

***United States Court of Appeals  
for the Second Circuit***



**APPELLEE'S  
APPENDIX**





Docket  
No. **76-1449**

In The  
**United States Court of Appeals**  
For the Second Circuit

UNITED STATES OF AMERICA,

*Appeller,*

— v. —

CHARLES P. GREZO; JOSEPH T. D'AGOSTINO;  
SAMUEL L. EBARE; RICHARD MICHAEL BEACH,  
*Defendants-Appellants.*

On Appeal from the United States District Court  
Northern District of New York

APPENDIX FOR APPELLEE, United States of America  
(Vol. I — Page A1 to A360)

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EXCERPTS OF TRANSCRIPT OF TRIAL PROCEEDINGS.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA,

-against-

75-CR-86

SAMUEL L. BEARE, also known as "Sam";  
JOSEPH D'AGOSTINO, also known as "Joey";  
RICHARD MICHAEL BEACH, also known as "Harpo";  
CHARLES P. GREZO, also known as "Sonny";  
LOUIS M. CAMERANO; and RAYMOND CZERWINSKI,  
also known as "Baldy",

Defendants.

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TRANSCRIPT OF TRIAL PROCEEDINGS in the  
above-entitled matter held before Hon. Lloyd D. McMahon,  
United States District Judge, sitting by designation,  
commencing on the 21st day of June 1976 at The Federal  
Building, Auburn, New York.

Excerpts of Transcript of Trial Proceedings.

APPEARANCES:

JEFFREY FISHER, United States Department  
of Justice, Washington, D.C.

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C. ANDREW PAPPAS, ESQ., Gridley Building,  
Syracuse, New York. Attorney for Raymond Czerwinski.



(A jury of 14, including two alternates, were impaneled on June 21st, 1976.)

JUNE 22nd, 1976

(In grand jury room, outside presence of jury)  
THE COURT: The Clerk reported to me

this morning that we have got a jury problem here.

What is it?

THE CLERK: Frances Price came in this morning and handed me this note and she says she is nervous and everything else about this case and she would like to be excused, from Dr. Rolly in Auburn.

MR. SHANAHAN: I didn't catch that.

Doctor what?

THE CLERK: Rolly.

MR. SHANAHAN: What has he got to do with it?

THE COURT: He says she is nervous.

MR. SHANAHAN: Oh, he is the source of this.

MR. WEINSTEIN: Can we see it?

THE COURT: Yes, sure. I don't know why they get nervous the day after they are picked rather than the day they are chosen.

MR. WEINSTEIN: She is just nervous?

THE CLERK: Yes.

MR. PAPPAS: She is nervous, and that's



## Excerpts of Transcript of Trial Proceedings.

about it, so --

THE COURT: I guess we will have to excuse her. I could say no, say, I am sorry. It puts us in a hole here with only one alternate. That is what I don't like about it.

MR. PAPPAS: Your Honor, I think that it is impractical to go on with it. She is just going to get worse. And as far as I go for the Defendant Czerwinski, I would urge the Court to excuse her, because I think it is just going to possibly hurt my client in that respect.

MR. PALMIERE: I consent.

MR. WEINSTEIN: I think so, too.

THE COURT: Would you be willing to go along with a verdict of 11 jurors? My only concern is that it leaves us with only one alternate, and the panel has been excused until Thursday.

MR. SHANAHAN: If I could make a suggestion on that, we are all right up to now. We could put in the first alternate, and that takes care of us. I don't think we are going to last that long that we are going to have a real problem on that, on the 12. We have made some headway on the stipulations.

THE COURT: I hope you have, but I hate to go here three or four days or even two or three days

and have it go down the drain because we run out of jurors.

MR. FISHER: I suspect if we did run out we could arrive at that time at a stipulation.

THE COURT: Well, I want to know now, because otherwise I am not going to excuse her.

MR. PAPPAS: I think, your Honor, practically speaking, I just want to take it up with my client to get his okay on this.

THE COURT: We can go with 11, if we have to, a unanimous verdict of 11 if we are put to that position, because we will run out of jurors.

The alternative is to excuse her for the day and call the panel back and pick a couple more alternates.

MR. RYDELEK: Is it possible, Judge, to utilize one of the alternates now?

THE COURT: We can't do that. The jurors have to hear the whole thing. At this point we can correct it because we haven't started any evidence.

MR. PAPPAS: I think the only way to do it is for us to speak with our clients, your Honor, and see if they are agreeable. Why don't we do this right now and then we can enter into the stipulation



right now.

THE COURT: All right.

(Counsel consult with their clients.)

PAPPAS: Your Honor, defense counsel met with their clients, and the defendants are all willing to stipulate to abide by a verdict of 11 jurors, should it get down that far.

THE COURT: Should it become necessary.

MR. PAPPAS: Right.

THE COURT: So stipulated

MR. PAPPAS: Yes, your Honor.

MR. SHAWAHAN: So stipulated.

MR. WEINSTEIN: So stipulated.

MR. RINALDI: Yes, your Honor.

MR. PALMIERE: So stipulated.

THE COURT: All right. I think you should get your clients' consent to that on the record, when I go on the bench, before we do go on.

MR. RINALDI: Do you want to bring them out here, Judge? It would be just as easy for you.

THE COURT: Sure. Each of you take care of your own client, because I don't know them by appearance. I will just say Mr. so and so, we have stipulated so and so, and do you consent.

(Defense counsel leave room and return.)

MR. SHANAHAN: If the Court please, I represent the defendant, Samuel Ebare, and on his behalf I will stipulate that the case may be decided by the unanimous verdict of 11 jurors, provided we get to that point, and they have lost the alternates who are presently available.

And as far as what I stated for the record, do you stipulate in the courtroom to what I said?

DEFENDANT EBARE: Yes.

THE COURT: You consent to that, Mr. Ebare?

DEFENDANT EBARE: Yes.

MR. RINALDI: On behalf of Joseph D'Agostino, Your Honor, I make the same stipulation.

THE COURT: Do you consent to that, Mr. D'Agostino?

DEFENDANT D'AGOSTINO: Yes.

MR. PALMIERE: On behalf of the Defendant Grezo, we stipulate and consent.

THE COURT: Do you stipulate?

DEFENDANT GREZO: Yes.

MR. WEINSTEIN: Your Honor, on behalf of the Defendant Beach, we stipulate.

THE COURT: Do you consent to that?



DEFENDANT BEACH: Yes.

MR. RYDELEK: Your Honor, on behalf of the defendant, Louis Camerano, we would agree to the same stipulation.

THE COURT: Do you consent to that, Mr. Camerano?

DEFENDANT CAMERANO: Yes, sir.

MR. PAPPAS: Your Honor, on behalf of the defendant, Raymond Czerwinski, we would agree to the same stipulation.

THE COURT: Do you consent to that, Mr. Czerwinski?

DEFENDANT CZERWINSKI: I do.

THE COURT: All right, thank you.

Anything else of a preliminary nature this morning?

MR. PAPPAS: Yes, your Honor. I think there are some stipulations that we have entered into with the Federal prosecutor, the first one of which deals with telephone records.

We have agreed to stipulate to certain telephone records, that if they were called from the Telephone Company, they will testify that a certain name and a certain address has a certain telephone number. And Mr. Fisher has shown us, given us a list

of those, and I don't know if you want to identify them at this time.

MR. FISHER: There are about 10 of them here. I could read them to the jury.

THE COURT: Why don't you put them on a list and offer them in evidence? That would solve the whole problem.

MR. PAPPAS: That would solve the problem. Also, your Honor, there is very extensive surveillance by the FBI and other law enforcement officials, and Mr. Fisher has furnished us some information labeled 3520 and 3521 and we have agreed that this can go to the jury by stipulation. He has given us a list also of those portions which we would want to enter into evidence for the jury's consideration, and we have agreed that he has agreed that in the event we feel some other surveillance from that same group should go in, that he will stipulate and we can put that in without the necessity to call the agents just to testify on a certain date they were at a certain place and saw two people in the car.

THE COURT: So stipulated?

MR. FISHER: So stipulated.

Now, would the Court want us to read



this to the jury? There is a stack of surveillance, and I think what we were intending to do is read these to the jury.

THE COURT: Can't you read the pertinent parts to the jury?

MR. FISHER: We have an excise, your Honor, but there is still quite substantial, probably a half hour's worth of reading, 45 minutes.

THE COURT: I don't know what is in them, but cut it to the bone, and the defendants are free, of course, to read any other part.

MR. SHANAHAN: There is a very substantial part of the original, Judge, that we have deleted, so I think we are down pretty much to perhaps what is essential.

THE COURT: All right.

MR. PAPPAS: Also, your Honor, this stipulation deals with all of the defendants except the Defendant Camerano, and in that respect, we have all stipulated that the transcripts, or the composite of the transcripts, which is five hours of tapes, are an accurate representation of what is on the tape. It shouldn't delay things too much longer, because Mr. Camerano was only on about three telephone calls, so he will not stipulate that it is accurate in those --

THE COURT: He won't stipulate that it is accurate? Tell me what is inaccurate about it.

MR. RYDELEK: I'm not arguing with the accuracy of the tapes or the transcript. I have a thought about voice identification and I think it will be very important that I know how they identified his voice. That is the only reason why I want these tapes played. There are only four people. It will take --

MR. FISHER: Five conversations.

MR. RYDELEK: Five. It may take 10 minutes at the most.

THE COURT: I have no quarrel with that. You do stipulate that the transcripts are accurate?

MR. RYDELEK: I do. The transcripts, I have no argument with.

THE COURT: Do you want to hear the tapes for voice identification?

MR. RYDELEK: Yes.

MR. SHAWAHAN: The transcripts, Judge, attribute the name of a given individual.

THE COURT: I see. Well, we won't put the transcripts in evidence until we get rid of this problem on voice identification.

MR. FISHER: Until we present our



## Excerpts of Transcript of Trial Proceedings.

evidence.

THE COURT: Until you present your evidence.

MR. PAPPAS: Your honor, we also can agree, because this was the other part of that, that the defendants, Czerwinski, Beach, Ebare, Grezo and D'Agostino agree that it is their voice as attributed to them on these transcripts, so we will not have the necessity of calling in agents to identify voices in that respect.

But again, that is the reason the Defendant Camerano disagrees.

THE COURT: I understand.

MR. PAPPAS: Now, the last issue, one we have had a little difficulty with is this, your Honor: the Government proposed to play approximately one hour out of the five hours tapes that were in this composite transcript. Our objection has been that we felt that we did not want this transcript to go into the jury room with the jury. If the Court, and Mr. Fisher seems to feel he has authority for it, is going to rule that this transcript can go in the jury room with the jury in any event, then we might as well play the one hour as he says and not play five hours. But we felt that the tapes were the best

evidence, and that possibly those tapes ought to be paid.

THE COURT: Tapes aren't the best evidence. If it is an accurate transcription of it, you can read any part of that transcript you want to the jury. It is going to go in evidence. I don't see any basis for an objection on that.

MR. SHANAHAN: If I could just say a word about this, because I think lately I am --

THE COURT: We do this in New York all the while. We don't listen to 16 and 17 hours of transcripts. Defense counsel routinely stipulate to it, put in an hour or a half hour of it so the jury can hear the voices, get the flavor of it. It leaves defense counsel free to put in any part of the transcript or any part of the recording that you want to put in.

MR. SHANAHAN: I don't think, really, that that is the point, Judge. I wouldn't have any quarrel with that part of it.

The next question is, this is pretty voluminous. Mr. Fisher wants this to go into the jury room and I don't think it ought to go in. I can just picture 12 jurors with 300 pages of reading material in a jury room.



Now, his thought is that to play a portion of it, and that the rest of it be stipulated in evidence.

My thought is simply as to whether it goes into the jury room, that is the part that I am --

THE COURT: I understand, but I don't see what the basis is. If it is in evidence, it surely can go into a jury room.

MR. SHANAHAN: Well, Judge --

THE COURT: And there is no reason under the sun for not putting the whole thing in evidence.

MR. SHANAHAN: You mean, once we stipulate the accuracy?

THE COURT: Unless he proves that, it is either way. Suppose you left it to the proof and he says, your Honor, I only want to read three lines from this.

MR. SHANAHAN: Well, I take it then from what you are indicating, you would be inclined to receive it if the jury asks for it.

THE COURT: Certainly. The same as I would a voluminous book or anything else.

MR. SHANAHAN: If the jury asks for it, to let them take it?

THE COURT: Certainly, they are entitled

to it.

MR. SHANAHAN: All right. In view of that, then we will stipulate.

MR. FISHER: Mr. Shanahan says, if the jury asks for it. The problem is, I am cutting out a substantial portion of that, including some of the defendants' voices just to give them a flavor, and they are not going to hear the tapes played --

THE COURT: The point is, we are not going to waste the jury's time. You read such part of it as you deem necessary. All I want to cut out is all the bunk that gets noplacé, that is not probative of anything like, hey, Joe, how are you? I am fine. How is the weather in Miami? We are not interested in that kind of thing.

Put in such parts as you think are pertinent and the defense can do the same.

MR. WEINSTEIN: I think with that in mind, we tentatively agreed to put pages 60 through 106, which is a little over 40 pages.

THE COURT: But the jury is entitled to all of it, if it goes in evidence, if the prosecution insists. I don't know why he would insist.

MR. FISHER: Because I am not making the motion.



## Excerpts of Transcript of Trial Proceedings.

THE COURT: I assume you are not making it because you don't consider it to be important, Mr. Fisher.

MR. FISHER: No, sir, I have had to excise some important parts in order to cut it down to that little bit.

THE COURT: Well, you don't need to excise important parts. Let me see what is so important. I'll bet it isn't important. Show me what is so important.

MR. FISHER: Well, there is a section here in the back on all of Sam Ebare's conversation which we are excising.

THE COURT: Let me see. It is probably repetitive of a dozen other things that are in here.

This is cumulative evidence, you know. I might exclude it on that ground, if you keep being so fussy about it. If you make it difficult, I will exclude it on the ground it is cumulative.

MR. FISHER: Well, sir, the conversation of Ebare, for instance, are management conversations, they are not the day-to-day --

THE COURT: You don't have any other management conversations?

MR. FISHER: Not of Ebare.

On the main telephone, we were proposing to play just a portion of the main telephone to give the jury an idea of how that worked, but Ebare was on a different telephone and his conversations are in the back, and I want to make sure that the jury has an opportunity to read these.

MR. SHANAHAN: With relation to that, Judge, Ebare apparently was living with a girl, on and off. Many of these conversations are hers, where she is trying to locate him at different bars and so on, and counsel seems to feel that those are material.

My thought is that they are pretty immaterial to anything. But the portions of Ebare's conversations are short.

THE COURT: If what you say is so, and I have no reason to doubt that it is, it certainly is immaterial.

MR. SHANAHAN: Some of them, I agree, would be of some materiality.

MR. FISHER: Your honor, what he is talking about is, for instance, one co-conspirator calls in and says, I have to get a hold of Sam Ebare. He is not there, and so she calls all around town trying to locate him, rather urgently, then she calls back to give a message and says she can't find him.



I think that is relevant.

THE COURT: I don't.

MR. FISHER: Your Honor, I am satisfied with the stipulation if the transcript can go to the jury room. That is what I am concerned about.

MR. PAPPAS: I think we have agreed that the only issue is if they ask for it. I think what you were saying is, you want the Court to direct them to take it with them and read it. And that is, I think -- if they want to have it --

THE COURT: It seems to me we defeat the purpose, if we put the whole thing in, of reducing it down. You read what you think is important, and that is going to be it. If they want the Court reporter to read that part back, they can.

I am not sending in all that business.

MR. FISHER: Well, I will excise those, your Honor.

THE COURT: I am not going to go through it and read it to see what is particularly relevant.

MR. FISHER: I will agree with Mr. Shanahan on it. We have already agreed on it once.

THE COURT: I am not going to have this whole thing go in. There is 300 pages of it. It is a voluminous book. Reduce it down to what is pertinent.

MR. SHANAHAN: Mr. Fisher, I am only in 27 pages.

MR. WEINSTEIN: I am only in 10.

THE COURT: Reduce it to what is pertinent. Read the parts of it you want to read to the jury, and that is all that is going in. That is all that is going to be received in evidence, and that is all that is going in.

MR. FISHER: Can I ask the Court, because we arrived at the stipulation on the other assumption that it was going in, can I ask the Court, in addition to the about 50 minutes of bookmaking conversation at the beginning we agreed to play, can I play about a half hour more of not bookmaking, but relevant to management conversations of the Defendant Beach, and Ebare, to the jury, play them to the jury, total of one-half hour at the most of conversation so at least I get the management conversation?

Otherwise, I don't have any conversation with two of the defendants, Beach and Ebare.

THE COURT: All right. Then you are free to put in any part of it that you want. You understand that?

MR. PAPPAS: Yes.



## Opening Statement By the Government.

THE COURT: All right.

MR. PAPPAS: Thank you, your Honor.

MR. RINALDI: I think there is one more small stipulation about the name.

MR. FISHER: Yes, I asked Mr. Rinaldi to agree that Marilyn Sparks was the wife of Joseph D'Agostino.

MR. RINALDI: Yes.

THE COURT: All right, if that is relevant.

Thank you very much, gentlemen; I think we have saved ourselves a lot of time.

(The following proceedings took place in the courtroom.)

THE COURT: Good morning, Mrs. Price. The Court has considered your request and they all consent to your being excused.

MRS. PRICE: Thank you, your Honor.

THE CLERK: Mrs. Gustafson, take Juror, Seat No. 12, please.

THE COURT: All right. Proceed.

MR. FISHER: May it please the Court, good morning, ladies and gentlemen of the jury.

As you know, my name is Jeffrey Fisher and I am an attorney with the Department of Justice,

## Opening Statement By the Government.

and I will be representing the interests of the Government people in this case. I would also like to introduce to you, seated at the Government table, Special Agent Robert Gulliver with the Federal Bureau of Investigation. He is the case agent who investigated the charges in this case.

Now, in this case, the grand jury has brought an indictment against six defendants, Samuel Ebare, Joseph D'Agostino, Richard Michael Beach, Charles Grezo, Raymond Gierwinski and Louis Camerano. The indictment itself, and I will just explain it briefly to you, consists of five counts. That is, five separate charges of violations of Federal law concerning which you will be asked to render a verdict.

The first count of the indictment charges each of the six defendants with criminal conspiracy. That is, with being members of an agreement or understanding to commit a crime. In particular, in this case, a conspiracy to conduct an illegal gambling business.

Now, count two of the indictment charges that each of these six defendants in fact conducted the aforesaid illegal gambling business. That is, that they conducted a bookmaking enterprise which, number one, operated in violation of New York



## Opening Statement By the Government.

State gambling laws, number two, was being conducted by five or more persons, and number three, was either a substantial, continuous operation for a period in excess of 30 days or took in revenues, gross revenues in excess of \$2,000 in wagering in any one single day.

Now, the last three counts of the indictment, counts 3, 4 and 5, each charge the Defendants Camerano, D'Agostino and Grezo with the offense of using a telephone in interstate commerce, that is, between the States of New York and Nevada, to facilitate the aforesaid illegal gambling business. In particular, count 3 charges that on January 4th, 1975 at about 12:28 p.m., the Defendant Camerano in Las Vegas, had a telephone conversation across state lines to the Defendant D'Agostino who was in Mattydale, New York, which is a suburb of Syracuse, at which time Camerano disseminated to D'Agostino the current betting line information. That is, the handicap or the point spread information concerning upcoming sporting events.

Count 4 of the indictment charges similarly that at about 5 o'clock p.m., later that same day, Camerano again -- I'm sorry -- yes, at about 5 o'clock that same day, Camerano again gave the current line information in another interstate

telephone call to the Defendant D'Agostino. That was later the same day, and exchanged the line information as to the current sports handicap information.

Now, count 5, the last count, charges that on a third occasion, the Defendant Camerano gave the line again to D'Agostino across state lines in an illegal interstate telephone call on January 5th, 1975.

So that as you can see, the last three counts of the indictment each charge three separate illegal interstate telephone calls between the Defendants D'Agostino and Camerano.

In addition, each of the last three counts charges the Defendant Charles Grezo with what we call aiding and abetting in the commission of those offenses.

Now, that is a brief description of the charges in the indictment, and I won't discuss them more at this time, because at the close of the case, his Honor, Judge McMahon, will give you a much more complete and detailed information on what those charges mean and of the rules of law which must guide your decision in judging the evidence in this case.

At this point, I would like to take



## Opening Statement By the Government.

a couple of minutes, however, to discuss what the evidence is expected to be in this case.

In order to prove the charges in this indictment, the Government expects to introduce evidence of various kinds, including the testimony of several witnesses who have knowledge of one kind or another about the illegal gambling business, including some physical exhibits and including court-authorized wiretap recorded conversations of these respective defendants acting in their respective functions or roles as they were conducting the business.

The evidence will show that during the fall of 1974 and on into the winter of 1975, these six defendants, along with several other lower-echelon conductors who are not named as defendants in this indictment, were conducting a gambling business which was in violation of the laws of New York State. It was a bookmaking operation designed to take wagers on the outcome of nationwide sporting events, particularly football and basketball during this period, both college games and professional games. The defendant, Samuel Ebare, was the boss of the operation. The defendant, Joseph D'Agostino, was the so-called general manager, responsible for manning

## Opening Statement By the Government.

the telephone, circulating the line of point spread information to the customers and taking in the wagering or daily betting action, as it is called.

The defendant, Richard Michael Beach, also known as Mike, had a managing or directing role in this business. The defendant, Charles Grezo and the defendant, Raymond Czerwinski, were themselves bookmakers or writers who were working with an for the Ebare gambling business. And finally, the defendant, Louis Camerano, was the Las Vegas connection providing the business with the up-to-date, professional point spread or line information right out of the sports book in Las Vegas, Nevada, with respect to the sporting events which will be the subject of the wagering.

In addition, the evidence will show that on one particular day, January 4th, 1975, this business took in more than \$13,000 on that one day alone in gross betting revenues.

Now, I earlier mentioned that part of the evidence will be in the form of tape recordings of the defendants' voices. In December of '74 and January of '75, the United States District Court Judge Edmund Port, signed court orders authorizing the FBI to conduct a lawful wiretap of two telephones concerning



## Opening Statement By the Government.

which this gambling business was alleged to have been conducted. One of the phones was at the Joseph D'Agostino house in Mattydale, New York, area code 315, 455-7153, over which the recording showed D'Agostino was conducting, taking in bets, circulating line information and generally conducting the day-to-day affairs of the bookmaking business. The other telephone was at the residence of one Cathy Gell, 218 Jasper Street in Syracuse, New York. That number was 479-7010, over which the Defendant Ebare talked to his higher echelon lieutenants, mainly, D'Agostino and Beach, arranged meetings, discussed the management of the business and conducted high level, although sometimes very discreet and clandestine type conversations.

Now, pursuant to those court orders, the FBI intercepted and recorded many conversations, all of which will be introduced into evidence, and some of which will be played for you. And there will also be a transcript, written transcript of the conversations on those tapes. And it will be evident when you hear these conversations and read the transcripts, that while these defendants were speaking in the English language, they were using their own lingo. They had their own language, they had codes,

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they had a shorthand language which may be difficult to understand at first to some extent. You will be assisted by a witness that the Government will call who is an expert, an FBI agent who is an expert in the area of gambling conversations.

However, for the most part, you will be able to understand the gist of what is going on even if you are completely unfamiliar with gambling, simply by understanding what the Defendant D'Agostino is doing at this telephone. He is circulating line or point spread information to the customers in the form of a phone call, for example, or he will say, Pittsburgh 5, Notre Dame 3. Simply means he is giving the name of a team and number of points handicap or point spread which is given to that team in order to equalize betting.

Similarly, the other functions of D'Agostino at this phone is to, of course, take in the wagering and betting, and he will do that when a call comes in and says, for instance, I will bet Pittsburgh minus 5 for a buck, which simply means that caller is betting a buck, which is the code for \$100, on the team of Pittsburgh at the handicap of five points.

Now, in addition to those calls, you



## Opening Statement for Defendant Ebare.

will hear many other calls and see many other calls which you will immediately recognize as conducting conversations. That is, they are planning meetings, they are discussing settling up of amounts due, they are discussing the status of certain bettors and whether credit should be extended, and various conversations that are part of the conducting as an illegal gambling business.

Now, that is merely a preview of the evidence you are going to, during the trial, hear it and see it in full, and keeping in mind, of course, that is the evidence upon which your verdict must necessarily be based. It is submitted that after hearing the evidence and after listening, hearing the Judge's instructions on the law, you will be satisfied beyond a reasonable doubt about the charges in this indictment, and accordingly, you will bring in a verdict of guilty against each of these six defendants. Thank you.

THE COURT: Mr. Shanahan?

MR. SHANAHAN: If the Court please: ladies and gentlemen, my name is Paul Shanahan. I represent one of the defendants in this case, Samuel Ebare. Now, Mr. Ebare, like the other defendants, at an earlier date, appeared before the Court and

entered a plea of not guilty to the charges contained in this indictment, which means of course that he denied his guilt of what is alleged against him by the indictment. And at the time again, through me in the opening, denies he is guilty of the claims of the Government set forth in the indictment.

Now, of course, from what has been said here, you appreciate of course that this is a criminal case. As the Court indicated to you at the selection of the jury, every defendant in a criminal case is presumed innocent of the charges made against him. The burden is on the Government to establish beyond a reasonable doubt what it charges is true. If they fail in that respect, the defendant then, of course, is entitled to a verdict of not guilty.

Now, my client, Mr. Ebare, denies that he participated in this gambling operation. And it has been described by Mr. Fisher. In that connection he was referred to by Mr. Fisher as the boss, that he had various telephone conversations which were intercepted or tapped, and those conversations indicate that fact.

Now, I am aware of what these conversations are, and they will be made available to you in one form or another during the course of the trial.



## Opening Statement for Defendant Ebare.

Either by reading the transcripts or hearing the conversations themselves. I ask you simply to with an open mind hear what these conversations are and see whether you are satisfied from what you hear that the claims of the Government are in fact correct, or as I urge upon you, they do not substantiate the charges that are made.

Now, the purpose, of course, of an opening statement is to acquaint the jury generally with the position that a given defendant is taking, what the evidence will disclose so that the jury would have some idea of what to expect as the trial proceeds. It is difficult for us to do that, because the prosecution has to start with their evidence, and it isn't until their evidence is completed that we can make a determination of what if any evidence we are going to offer in the way of contradiction. And I simply ask you, as far as I am concerned, to keep an open mind until you have heard all of the evidence in the case. All of the attorneys representing the individual defendants are going to have an opportunity to present their views to you on the evidence, and the Court of course will then complete the trial by giving you the rules of law by which you are to decide the case. So, I would



simply ask of you to keep an open mind and I think that at the close of the evidence here, I will be justified so far as my client is concerned in asking for a verdict of not guilty. Thank you.

THE COURT: Mr. Rinaldi?

MR. RINALDI: Ladies and gentlemen, as his Honor, Judge McMahon told you, my name is John Rinaldi. I represent Joseph D'Agostino who sits in the last seat along the wall.

I am just going to take a few minutes and I want you to know one thing: from the pretrial information that was submitted to me by the Government in order that I might have some idea what the charges against my defendant, I was able to learn, and I say this in all candor and all frankness, I am not going to stand in front of you here and deny to you that Joe D'Agostino is a bookmaker. He is. He is a local bookmaker in the City of Syracuse, running an operation by himself. And from the pretrial discovery information given to me by the Government, there is no doubt in my mind, and I am sure you will be convinced, as I am, that with the exception of perhaps one or two other people, that operation was local and small in nature and has no overtones of any Federal crime.

I am sure that some of the evidence, as I have learned from the pretrial discovery, will show that Mr. D'Agostino did operate for 30 days, and perhaps did have a gross of over \$2,000 in any one given day. But that in and of itself does not make it a violation of Federal law which he stands here accused. They have got to show you more than that. They have got to show that each and every one of these persons were actually in some way connected with that gambling operation. And I am sure, at least from the evidence that was submitted to me, that the majority of the people that stand here accused and others who are not here accused, were nothing more than bettors.

I might add that the Government has gone through a lot of trouble in many, many strange and devious ways to make this a violation of the Federal law.

In closing this, I would like to ask you to keep one thing in mind, when the witnesses parade here before you on the stand, of course, you are going to hear a lot of Government witnesses, but I want you to ask yourselves several questions. One, was there any personal motivation for that person testifying as he is, is there a reason. And secondly,

that evidence that you do hear, was that evidence in any way obtained by any Governmental coercion, badgering or threatening. I think this would be very important. If you bear that in mind, as you go along and listen, perhaps it will give you a better insight to our position, my position on behalf of Joseph D'Agostino. Yes, he is a bookmaker, he broke a New York State law, but that is not what he is here for. He is here charged with breaking a Federal law, and I'm sure that after you have heard all of the evidence, you will be convinced that while he did break a law, it is not the one that he stands here accused of, and I am sure, after that, you will come back with a verdict that is fair to everyone concerned. Thank you.

THE COURT: Mr. Weinstein?

MR. WEINSTEIN: Thank you, your Honor.

Mr. Fisher, ladies and gentlemen of the jury: my client in this case is Michael Beach who sits in the middle here, and my name is David Weinstein. I am his assigned attorney. And as Mr. Shanahan stated, Mr. Beach has been indicted on two charges, conspiring to conduct an illegal gambling business and the substantive charge of conducting that business. With reference to counts 3 through 5, my client is not



charged. And quite simply, ladies and gentlemen of the jury, my client denies any involvement whatsoever of a criminal nature in this what might just be called a scheme.

Now, this is a complex case. It is a case involving six men. And probably the most important thing I can say to you is to give each and every individual, including my client, the benefit of your own independent thoughts and opinions. And remember, each element of this case, and it is a complex one, must be proven to your satisfaction beyond any reasonable doubt.

Now, the Government, Mr. Fisher, in his opening statement, says that he intends to prove that Michael Beach was a manager of some sort, an advisor of some sort. I believe another agent, Agent Culver, will testify that he was a collector, and, ladies and gentlemen, they used the word lieutenant. I think that that was an improper phrase. He wasn't a lieutenant. What Michael Beach was, was a friend of Samuel Ebare, a drinking friend, a social friend. Some of the things that these tapes will show to you is that is exactly what they did, they were together. This is not proof of violation of the Federal crimes of which they stand

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charged.

You are going to hear tapes. You are going to have the transcript. You are going to hear other people testify. And look to the motives of these people. Many of these men will be Government agents. Ladies and gentlemen, these men work for the Government, they want a conviction.

Now, one very important fact that will come forth when you hear these tapes is that my client is involved in a few conversations. Now, I just say to you that if this man was in fact a manager and advisor, his participation, if it was participation at all, would have been much greater. If this man was a collector and was involved in this operation, why did he need an assigned lawyer? Why, when there was a search, did he only have four dollars on his person.

This man, as one of the Government witnesses may testify, was a bird of a feather flocked together, and that is my theory. My client, Michael Beach, was pulled into this thing because he is a friend of Sam Ebare who they also believe to be involved, and they know Joey D'Agostino, but this is not grounds for a conviction.

Now, you look to the evidence, that is



the only thing you are to look to. What I say isn't evidence. What my co-counsel say is not any form of evidence. And when you look at this evidence, it is important to look at what is not there as well as what is there.

Now, when we talk about a collector, you think of large sums of money. You are not going to hear anything about that relevant to Michael Beach. As I said, the theory of the Government with reference to Michael Beach is that birds of a feather flock together, and because he knew Joey D'Agostino, because he drank with Sam Ebare, because he called a number once in a while, that makes him guilty? I say to you, no, it doesn't. He has pled not guilty. He is innocent, he is presumed innocent until he is proven guilty beyond any reasonable doubt by good and credible evidence, not just evidence.

Now, as the evidence does unfold, and as you do keep an open mind, which I hope you do, you will be led to one conclusion with reference to my client, Michael Beach, that in fact he was a drinking buddy of Sam Ebare's, that he knew these people, but that by no means is he guilty. And I expect that with regard to my client, you will return a verdict of not guilty. Thank you for your attention.



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THE COURT: Mr. Palmiere?

MR. PALMIERE: If it please the Court, counsel, Mr. Fisher, ladies and gentlemen of the jury: my client has pleaded not guilty to each of the crimes indicated in this indictment which accuse him of Federal felonies. He is not guilty of conducting an illegal gambling business. He is not guilty of conspiracy to conduct an illegal gambling business. He is not guilty of aiding and abetting in the transmission of gambling information over an interstate facility, and he is not guilty of all those charges because of one simple factor. Charles Grezo is a better. You will hear on the conversations and tapes that will be introduced in evidence here voices belonging to my client. As a matter of fact, he is on there substantially. He is not a casual better. He is a daily better.

I am going to get this right out in the open, right now, so we both understand our positions. And I am speaking now to Mr. Fisher. But being a better does not make you a bookmaker. And if you are not a bookmaker, then in no way can you conduct anyone's illegal gambling business.

Now, Mr. Fisher told you that certain wiretaps were signed by the Honorable Judge Port,

## Opening Statement for Defendant Grezo.

Federal District Court Judge, and the FBI was involved in the investigation of this case. Be careful that you do not fall into the trap of believing that merely because the Court, in performing its official duty, merely because the Federal Bureau of Investigation are performing their duties, are involved in this case, that the allegations of the Government must therefore be true, because there is only one person or a group of persons who will decide the truth or falsity of the facts in this case. It is not I, it is not any of my distinguished colleagues sitting at the defense table, not Mr. Fisher. It will not be Mr. Gulliver, supervising agent, it will not be Judge McMahon. It will be you and you alone.

Our defense is that Mr. Grezo was a daily habitual bettor who participated in his own personal gambling winnings, who did not participate in anybody else's gambling winnings. He was not paid by anyone. And the tapes in this case are going to demonstrate that.

As a matter of fact, ladies and gentlemen of the jury, the tapes involving another transaction that the Government may or may not be aware of will help us demonstrate that for you.



Fortunately, the Government does do some electronic surveillance. They have done it in this case. But fortunately, that was not the extent of their surveillance, because we will use other evidence that they have in their files now which they will not produce on their direct case, to help demonstrate to you that Mr. Grezo is nothing more than a bettor.

Keep in mind, please, that Mr. Grezo is not accused of being a gambler. A bettor is a gambler. A bookmaker is a gambler, too, but the fact that you participate in gambling to the extent of being a bettor or player, a customer of a bookmaker, does not make you also a bookmaker.

That is basically what our defense will be. We will attempt to demonstrate this to you. A Government's expert witness will take the stand for the Government, and make no mistake about this, he will qualify himself as a gambling expert, having had some education, training and gambling, but one thing he will not do for you, he will not discuss with you the nature of bookmaking. And the nature of bookmaking, ladies and gentlemen, is most crucial. Your understanding of the nature of bookmaking is going to be most crucial to my defense and I hope that I have it within my powers to effectively introduce evidence in



this case to make you familiar with the nature of bookmaking, because without that, it is going to be difficult to defend this case. But the Government's expert will not do that for you. He will not give you all the information you must have in order to fully appreciate the nature of gambling, and therefore, in our defense, we will do everything in our control and our power to bring all of that evidence out in the defense. But keep in mind, please, and the Court I am sure will instruct you at the conclusion of this case, that Mr. Grezo does not have to prove to you that he is a better and convince you of that beyond a reasonable doubt. The Government has the burden of proof in this case. The Government must overcome the presumption of innocence that Mr. Grezo right now has, and must rebut that presumption by convincing you beyond a reasonable doubt that he was a bookmaker, that he aided bookmakers by participating in their gambling winnings, and that he was not a better. As I say, I hope that we could convince you beyond a reasonable doubt, but unfortunately, I do not have experts at my disposal, and I will attempt to work through the Government's experts themselves, in order to demonstrate the nature of bookmaking to you, and therefore demonstrate our defense.

Please keep in mind that the burden is on Mr. Fisher in this case, to convince you beyond a reasonable doubt that Mr. Grezo was not a better.

The issues have been joined in this case, and they have been joined by our summations in this case. The grand jury has indicted us, and Mr. Grezo now comes into this courtroom and welcomes the opportunity of defending himself. We are here because we want to be here, not because we were hauled into this courtroom. We want to defend ourselves and we will, and I hope at the conclusion of all this case, ladies and gentlemen of the jury, that you will feel as I do, that Mr. Grezo is not guilty of this Federal felony, not guilty of any of the felonies charged in this case. Thank you.

THE COURT: Mr. Rydelek?

MR. RYDELEK: Ladies and gentlemen, you have heard my name, Joseph Rydelek. I represent the defendant, Louis Camerano. Now, in count 1 of the indictment he is charged with co-conspiring with five other defendants and with other gentlemen unknown, or other people unknown, in violation of Federal and state law.

Count 2, which is also a felony, alleges that Mr. Camerano and these other five defendants,



did actually operate an unlawful gambling business in violation of Federal and state law.

Now, the dates that are mentioned in the indictment claiming a conspiracy and an unlawful operation are from September 1st, 1973 until June 26th, 1975, a little over a year and a half's time.

In the third, fourth and fifth count, Mr. Camerano is alleged to have called or been called by one Joseph D'Agostino in furtherance of this conspiracy to give a line or to receive a line, or to discuss a line and to participate in the operation of this bookmaking operation.

Now, as this case goes on, you are going to hear evidence from witnesses, and tapes will be played. You will get a chance to look at transcripts, and as Mr. Shanahan asked you, I would ask you to keep an open mind until you have heard all of the evidence.

At the end of Mr. Fisher's case, certain motions will be made. Depending upon how those motions come out as far as Camerano is concerned, if it is necessary, we will offer an explanation of what his participation in this whole matter was. I don't think that you will feel that from three or four or five phone calls that took place over a period



of about one week in January of 1975, that he was a conspirator or a bookmaker, or that he participated in a bookmaking operation. I feel that when the evidence is concluded, that you, as honest people, will find that he cannot be found guilty of these charges beyond a reasonable doubt. Thank you.

THE COURT: Mr. Pappas?

MR. PAPPAS: Ladies and gentlemen, my name is Andrew Pappas. I am here to represent Raymond Czerwinski. I am the seventh lawyer to talk to you, so I am going to be very brief. I think you have heard about all you should from us before we start.

To begin with, I think you will find from the evidence that one thing Mr. Fisher said was correct. My client, Raymond Czerwinski, is a gambler. He is a small bookmaker. He takes bets and makes bets. I think, also, as Mr. Fisher said, you are going to hear some odds on this and you are going to hear things on the phone. The number to remember in this case is five. The Government must prove that there was five or more people involved in this matter. I think you are going to find from the evidence there is less than that, that this was a local case. It is not a Federal case.

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What happened, the FBI commenced investigation and they heard some phone calls and they made some assumptions and conclusions. They believed all these people they heard were actually involved. I think you are going to find they were wrong. Well, they are human. Human beings make mistakes, and we all know the FBI can make mistakes. So I think when the case is all done with, you are going to decide this is a local gambling matter involving a few people, at best, and it is not a Federal case. Thank you.

THE COURT: All right, Mr. Fisher.

MR. FISHER: The Government calls Monica Sims, and would advise the Court that this is one of the witnesses we need a short bench conference with.

THE COURT: All right, come up.

(The following was an on-the-record discussion at the bench.)

MR. FISHER: Your Honor, I have handed to the Court an immunity order accompanied by a letter from the Assistant Attorney General signed by the United States Attorney, and this witness was granted immunity in the grand jury room.

THE COURT: Will she take the Fifth?

MR. FISHER: I haven't talked to her this morning. I suspect, if you give me a minute to talk to her, I could probably just tell her, show her the immunity, and we wouldn't have to send the jury out.

THE COURT: All right, talk to her and let me know whether she will take the Fifth.

MR. FISHER: All right.

(The following took place in open court.)

MR. PALMIERE: Your Honor, on behalf of the defendant, Charles Grezo, I would like to exclude all prosecution witnesses.

THE COURT: All witnesses, whether for the defense or for the prosecution are excluded from the court.

MR. FISHER: Your Honor, may we have an exception for Special Agent Gulliver?

THE COURT: Yes.



MONICA SIMS DEAKIN.

having been called as a witness in behalf of the Government,  
was first duly sworn according to law and testified as  
follows:

DIRECT EXAMINATION

BY MR. FISHER:

Q Miss Sims, are you recently married?

A Yes.

Q During 1974 and '75, what was your maiden name?

A Sims.

Q Would you mind if I --

THE COURT: Keep your voice up, Miss Sims,  
so that we can hear. It might help, Mr. Fisher, if  
you examine her from the end of the jury.

MR. FISHER: Yes, sir, that is a good idea.

Q Miss Sims, would it be all right if we refer to you as  
Miss Sims so we don't have any confusion?

A Yes.

Q Now, during the fall of 1974 and the winter of 1975, where  
were you living?

A In Syracuse.

Q What was your address?

A 300 Autobon Parkway, and then 604 East Colvin Street.

MR. SHANAHAN: Pardon me. We can't hear.

THE COURT: Please keep your voice up.

300 Autobon Parkway, and I couldn't get the rest.

THE WITNESS: 406 East Colvin Street.

BY MR. FISHER:

Q 300 Autobon Parkway was during October, November or so, of 1974?

A Yes.

Q And that is called the Around Town Apartments?

A Yes.

Q And what apartment number did you have there?

A I've forgotten. 31, I think.

Q Was that on the ground floor?

A Yes.

Q And what was your telephone number at that time, do you recall?

A 44 -- I don't remember.

Q Was it 446-8472?

A Yes.

Q And area code 315?

A Yes.

Q Now, were you acquainted at that time with a man named Joseph D'Agostino?

A Well, I met him then.

Q You met him. And is he in the courtroom today?

A I don't know.

Q Would you take a look and see if you recognize him?

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You might have to stand up and come forward and see everybody.

A Yes.

Q And could you point him out to us, please?

A He is over there.

Q And that is the gentleman on the end?

A Yes.

MR. FISHER: Would the record reflect the defendant D'Agostino has been identified by the witness.

THE COURT: Yes.

MR. FISHER: Thank you.

Q Now, could you tell us how you came to meet the defendant D'Agostino?

A Sue Conklin introduced me to him.

Q And approximately when was this?

A October, I think, of '74.

Q And what was the purpose of her introducing you to Mr. D'Agostino?

A For me to give him the key to my apartment.

Q And why were you to give him the key to your apartment?

A He was going to use my telephone. He asked me if he could use my phone.

Q And why was he going to use your phone?

MR. SHANAHAN: I object to the form of



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the question.

THE COURT: Sustained.

BY MR. FISHER:

Q Did Mr. D'Agostino ever explain to you what he was going to do with your telephone?

A No.

Q Did he ever give you any money in return for use of your telephone?

A Not personally. It was arranged beforehand.

Q And how much money was he to give you?

A I don't remember the exact amount. It was for about a two-week period, but I don't remember exactly.

MR. SHANAHAN: Your Honor, we are just not able to hear it. Could I have the answer read back?

THE COURT: All right.

(The pending answer was read back by the reporter.)

BY MR. FISHER:

Q Did he eventually pay you some money for using the telephone?

A Not in person.

Q How did he do it?

A There was one left --

MR. SHANAHAN: I object to the form of the question.

THE COURT: Sustained. Strike it out.

BY MR. FISHER:

Q Did you ever receive any payment for the use of your telephone?

A Yes.

Q How much money?

A I don't remember exactly. It was over \$100.

Q In cash?

A Yes.

Q And how were you paid?

A I had taken a vacation to go home, and when I came back, it was on a table.

Q Now, were you ever in your apartment when the defendant D'Agostino came and used your apartment?

A Yes.

Q And approximately, without asking you to recall a specific date, approximately what time of day would he come to use your apartment?

A I don't remember. It was a couple times a day, I think.

Q Did you have an opportunity to testify before the grand jury in this matter? Would it help if I showed you your testimony, to refresh your recollection as to --

A Well, I don't remember exactly what I said, because that was a year ago.

Q If you said that he came twice a day from about 12 to



2 p.m. and 6 to 8 p.m., would that be accurate?

MR. SHANAHAN: Objection.

THE COURT: Sustained. It is improper, Mr. Fisher.

A I don't remember --

THE COURT: Please. Show her what you want to show her and ask her whether it refreshes her recollection. Don't read it to the jury, without that process. That is highly improper.

MR. FISHER: Yes, sir.

THE COURT: And don't do it again.

MR. FISHER: Yes, sir.

Q I'm referring to Court Exhibit 3526. I show you Court Exhibit 3526 and ask you, at page 114, and ask you if you would read that testimony to yourself.

A (Witness looking at exhibit.)

Q Does that refresh your recollection?

A Yes.

Q Approximately what times of day did Mr. D'Agostino come to your house, to your knowledge?

A 12 to 2 and 6 to 8, it was around those times.

Q Now, when you were there, did you overhear what he was saying on the telephone?

A Well, I didn't listen. I wasn't paying any attention, but I overheard some things from time to time, I guess.



Q And what were the things he was saying?

A He didn't really speak, he just repeated numbers, I think, numbers, yes, repeated some numbers.

Q Did he repeat anything else?

A Not that I -- I don't remember, no, not that I remember.

Q I would like to show you page 115 of your grand jury testimony and ask you if this refreshes your recollection.

A (Witness looking at exhibit.)

Q Now, does this refresh your recollection?

A Yes.

Q Could you answer the question now, please?

A Cities, he named different cities.

Q All right. Could you give us an example, do you recall any particular examples?

A Well, the one that you just showed me was Pittsburgh, then a number after it, 30.

Q So it would be names of cities and numbers?

A I don't remember exactly.

MR. SHANAHAN: Pardon me. What was that?

THE COURT: She doesn't remember exactly.

A I don't remember exactly.

BY MR. FISHER:

Q Now, with regard to the amount of money you were paid, I would like to show you page 112 of the grand jury testimony and ask you if this refreshes your recollection.

A Yes.

Q Does it refresh your recollection?

A Yes.

Q And could you answer the question?

A It was over \$100, like I said, it was about 150, I guess.

Q And did there come a time when Mr. D'Agostino no longer came to your house or apartment?

A Yes.

Q And what brought that on?

A I asked him to leave.

MR. SHANAHAN: I object to what brought it up, if that was the question, as I thought it was.

THE COURT: I will allow it.

MR. FISHER: No further questions.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. SHANAHAN:

Q Just a couple of questions, Mrs. Deakin. You indicated that you met Mr. D'Agostino through someone by the name of Sue Conklin. Did I get that correctly?

A Yes.

Q Could you tell us about when that was, please?

A About what?

Q About when, the date.

A About September or October of 1974, in October, I believe.



Q October of '74?

A Yes.

Q And where did you meet?

A At the European Health Spa.

Q At the what?

A The European Health Spa.

Q Were you employed there at that time?

A Yes.

Q All right. Now, you say that Mr. D'Agostino came to your apartment over a period of time?

A Yes.

Q Could you tell us, over what period of time, please?

A Two to three weeks.

Q And could you fix the date or approximate dates of that two or three-week period?

A I just know it was in October, November, in that period.

Q October or November of 19 --

A '74.

Q Of 1974?

A Yes.

Q All right. And now, during the occasion that you say he was at your apartment, were you employed during that same period of time?

A Yes.

Q And what were your working hours?



A They were very irregular. I worked from 8:30 in the morning until 10 at night, every other day.

Q I see. And then the other day, what would be your working hours for that --

A I didn't work.

Q I beg your pardon?

A I didn't work on the other days. That was a full-time job.

Q Now, let me ask you, on the occasions that Mr. D'Agostino was at your apartment, were you usually there or away from there?

A Mostly away from there. Part of the time he was there I took a vacation and was in Saratoga for a whole week.

Q So that you were away for a week of --

A At least a week. Well, every other day, too, I was working all the time. I was never there when he was there.

Q Would the occasion for your being at your apartment be simply when you would come home for lunch, if you did that?

A Yes, once in awhile, yes.

Q So that if I understand you correctly then, the main part of this period of time you were away from your apartment, not there?

A Except for some times at lunch and after 10:30 at night.

Q Well, was Mr. D'Agostino ever there after 10:30 at night?

A No.

Q So that these occasions that you say that you were present

when he was there would be fairly few and far between, wouldn't that be so?

A Yes.

Q And now, you have indicated that you heard him on the telephone mention the name of a city, would that be right?

A Yes.

Q Was there any number mentioned with that?

A I really don't remember.

Q You haven't any recollection of that at all?

A I just remember numbers and cities, but I never paid any attention.

Q I see. Well, have you had the opportunity, Mrs. Deakin, to read over your grand jury testimony before taking the witness stand today?

A No.

Q Have you had any opportunity to read it at all since you gave it back in about a year ago?

A No. Well, one time in March when we had to come, I started to read it. I read about a page of it, but that's all.

Q I see, all right. Well, do you recall whether you were asked these questions and you gave these answers --

MR. FISHER: Objection.

THE COURT: Sustained. Confront her with a question. Let's hear what she says now.

You don't need to show it to us. Just ask her the same question.

MR. SHANAHAN: I'm sorry, your Honor.

THE COURT: Just ask her the same question.

MR. SHANAHAN: All right.

Q I am talking now about what you heard on some occasion or occasions when you were at your apartment when Mr. D'Agostino was there. Do you have a line on what I am talking about now?

A No, but go ahead.

Q Just so you will understand it, you testified here in answer to Mr. Fisher that there were occasions when you were at your apartment when Mr. D'Agostino was talking on the telephone.

A Yes.

Q Do you recall that?

A Yes.

Q And Mr. Fisher asked you about what you may have heard Mr. D'Agostino say on such occasion.

A Yes.

Q All right. Now I am talking about that general subject. Did you hear him mention the name of a city like Pittsburgh, \$30?

A I don't know if I heard him say dollars, but I remember



him saying cities and numbers, together.

Q Cities and numbers, okay. Now, you tell us if I understood you correctly, that after you looked at your grand jury testimony, that Mr. D'Agostino was there from 12 until 2. Were you there between those hours so that you can tell us definitely that he was there from 12 to 2?

A I don't know if those -- I know he was there twice a day, once during the day, in the afternoon, and once later on, but I don't remember if it was exactly 12 to 2 or not. And on sporadic occasions, I was there at the same time he was there.

Q That is your lunch hour would coincide --

A It was very irregular.

Q It was very irregular?

A My lunch hour, but on occasion --

Q So that what you are doing, if I understand it, is not attempting to pick the specific hours that he might have been at your apartment?

A No, because I couldn't say for sure that he was there at those specific hours I wasn't there.

Q And do you know if he was there every day?

A I can't say that I know he was there on the days I wasn't.

Q Let me ask you: this telephone that was in your apartment was a telephone that was listed in your name, was it?

A Yes.

Q And your name as it then was, Monica Sims?

A Yes.

Q And now, the telephone bill, let me ask you about that.  
Did you pay the telephone bills?

A Yes.

Q And during this period of time that you tell us that  
Mr. D'Agostino was there, were there any out-of-town calls  
that were billed to you, do you recall?

A There weren't.

Q There were none?

A Not that I remember.

MR. SHANAHAN: I think that's all.

MR. RINALDI: Two questions, your Honor.

CROSS-EXAMINATION (Cont'd)

BY MR. RINALDI:

Q Miss Sims, I think you told us that sometime after you  
came back from vacation, that you found an envelope with  
over \$100 in it?

A I don't think it was in an envelope. It was just on my  
kitchen table.

Q And how long before that period of time had Mr. D'Agostino  
terminated using your phone?

A I don't remember exactly. I was gone for about a week to  
ten days, and he left sometime during that period, maybe

a couple, two or three days before I came home.

Q Was Linda Perry still residing there with you at the time?

A I never lived with Linda Perry.

Q Oh, I'm sorry, I must have misunderstood you.

Now, during this period of time, did you pay the phone bills?

A Yes.

Q Were there ever any long distance phone bills attributable to Mr. D'Agostino using the phone?

A No.

MR. RINALDI: That's all I have.

CROSS-EXAMINATION (Cont'd)

BY MR. WEINSTEIN:

Q Mrs. Deakin, when Mr. D'Agostino was using your apartment, did you ever notice whether or not he had anyone with him?

A He never did.

Q He was always alone?

A Yes.

Q And did you ever recall receiving any telephone calls for him while he wasn't there? Do you understand my question?

A No.

Q On occasions when you were in your apartment during the same period of time that Mr. D'Agostino was using your apartment, did any phone calls ever come in for Mr. D'Agostino?



A While he was there?

Q No, while he was not there.

THE COURT: Did you take messages for him?

Q Did you take messages for him?

A No.

Q And you never saw anyone with him at the apartment?

A No.

MR. WEINSTEIN: Thank you. That's all I have.

MR. PALMIRE: No questions on behalf of the Defendant Grezo.

MR. RYDELER: No questions.

MR. PAPPAS: No questions.

MR. FISHER: Your Honor, I have one question on redirect.

REDIRECT EXAMINATION

BY MR. FISHER:

Q At the time when both you and Mr. D'Agostino were at your apartment, did he ever do anything else besides use the telephone?

A Well, we talked a little bit. I mean, you know -- no, not really.

Q Just making conversation?

A Yes.

MR. FISHER: That's all. No further

questions.

THE COURT: You are excused.

Next witness.

MR. FISHER: Your Honor, the next witness is Mr. James Colloca, and we will need to talk about a brief legal matter with the Court.

THE COURT: All right. Do you want to handle it in the same way?

MR. FISHER: Not with respect to him. We are going to have to discuss this.

THE COURT: All right. The jury may take a short recess.

(The following took place in the courtroom, without the presence of the jury.)

JAMES COLLOCA,

having been called as a witness in behalf of the Government, was first duly sworn according to law and testified as follows:

PRELIMINARY EXAMINATION

BY MR. FISHER:

Q Mr. Colloca, have you advised me that you intend to invoke your Fifth Amendment privilege unless granted immunity?

A Yes.

THE COURT: With the approval of the Department of Justice and the Deputy Attorney General, the Court directs you to answer the questions, and advises

you that you have been granted immunity from prosecution for any testimony or other information that you give in this trial, except, you, of course, can be prosecuted for perjury if you make any false answers or declarations or you can be prosecuted for contempt if you fail to comply with the terms of this order. Do you understand that?

THE WITNESS: Yes.

THE COURT: All right. The Court is signing the order and directing and ordering you to testify.

MR. FISHER: Mr. Colloca, did you have something else you wanted to show to the Judge?

THE WITNESS: Yes. (Handing.)

THE COURT: Make your questioning very short.

MR. FISHER: Yes, I will.

We are ready.

THE COURT: Show the letter to defense counsel.

Is it all right, Mr. Shanahan? I want you to act as sort of lead counsel here so we can communicate things faster.

(Defense attorneys looking at letter.)

THE COURT: I just asked for information.



Do you have to read it in detail? Let's proceed.

Just take it easy, Mr. Colloca.

(Jury enters courtroom.)

THE COURT: All right, Mr. Fisher.

DIRECT EXAMINATION

BY MR. FISHER:

Q Would you give us your name for the record, please?

A James Colloca.

Q I am going to stand back here and ask you to speak up so the jury can hear you.

A I will speak up as loud as I can, because under the circumstances, it puts pressure on me.

Q Yes, sir. Now, what is your occupation, please?

A I am a dry cleaner and tailor.

Q All right. During 1974 and 1975, were you acquainted with a man named Sam Ebare?

A Yes, I was.

Q Were you acquainted with a man named Joseph D'Agostino?

A Yes.

Q Were you acquainted with a man named Michael Beach?

A Yes.

Q Now, would you look around the courtroom and identify those three people for us, please, if you can?

A Yes.

Q You may have to stand up to see them. It's all right.

A That's Sam Ebare.

THE COURT: Which one?

THE WITNESS: That's the second one.

THE COURT: The second one is Mr. Ebare,  
all right.

MR. FISHER: Let the record reflect the  
witness identified the defendant, Sam Ebare, as second  
from the left.

A (Continuing) Beach is the man in white.

THE COURT: Let the record reflect he  
has identified Beach.

BY MR. FISHER:

Q All right. He is the third one from the right. And the  
Defendant D'Agostino?

A He is the last gentleman.

THE COURT: Let the record reflect he  
has identified D'Agostino. All right.

BY MR. FISHER:

Q Thank you. Now, during 1974 and 1975, did you take bets  
from customers at your cleaning establishment?

A I took some bets, yes.

Q And when you took these bets, did you have any arrangement  
with these defendants concerning that?

MR. SHANAHAN: I object to the form.

THE COURT: Sustained.



BY MR. FISHER:

Q When you took these bets, what did you do with the bets?

A Well, I placed them.

Q And who did you place them with?

A I didn't place them with anyone in particular, but I did place them when I got the call.

Q And did you --

MR. SHANAHAN: Pardon me. Would you read that back?

(Pending answer read back by the reporter.)

BY MR. FISHER:

Q Did you place them by telephone?

A Yes.

Q How did you get the telephone number to call them in?

A Well, someone would call me and tell me what number to call.

Q Well, the very first time that you started placing bets, who gave you the telephone number?

A Boy, I don't remember who gave me the first phone call, the first number.

Q At any time during this period, did the Defendant D'Agostino give you a telephone number to call your bets in?

MR. PALMIERE: Objection. Leading, your



Honor.

THE COURT: Overruled.

BY MR. FISHER:

Q At any time during this period, did the Defendant D'Agostino give you a telephone number?

A Well, they would call me on the phone and tell me what number to call.

Q Was it D'Agostino who would call you?

A I assume it would be him.

MR. WEINSTEIN: I move to strike it.

THE COURT: Strike it out.

Was it D'Agostino?

THE WITNESS: Well, was it?

THE COURT: I'm sorry, I couldn't hear you.

THE WITNESS: I say, was it?

BY MR. FISHER:

Q You are saying it was not D'Agostino?

A I say that it could have been, but I am not sure.

Q Did you ever have a discussion with the Defendant Sam Ebare about taking bets?

A I just had a discussion that he would take bets, yes.

Q And what exactly did Mr. Ebare say during this discussion?

MR. S. AMMAN: Before we get into that, I would like some foundation laid for it.

BY MR. FISHER:

Q Approximately when did Mr. Ebare first discuss taking bets with you?

A I don't remember.

Q Well, was it in the year 1974?

A I would say it was in the year 1974, but I don't remember when.

Q Do you remember if it was the football season or baseball season?

A Baseball season.

Q So it would be mid-1974?

A Right.

Q And what did Mr. Ebare tell you during this conversation?

MR. SHANAHAN: Pardon me, again. Could we have a sufficient foundation as to the place where he claims this conversation took place?

BY MR. FISHER:

Q Do you recall the place where this conversation took place?

A I don't recall exactly where it was.

Q Do you recall anything about where it was, what city?

A Oswego.

Q Oswego?

A Yes, but I don't remember exactly where it was.

Q Now, could you tell us what Mr. Ebare told you during this



conversation?

A Well, my original was that he was -- he asked me if he could find a place so that he can open a bicycle shop.

Q Well, what was the nature --

A That was the original.

Q All right. And then did he say anything to you about taking action?

A Not right then and there.

MR. SHANAHAN: I object to the form of that, if the Court please.

THE COURT: Don't lead, please.

BY MR. FISHER:

Q Did he tell you anything else during that conversation?

A No, that was the only conversation at the time.

Q And was there another conversation you had with Mr. Ebare?

A Later.

Q All right. And where was that?

A I would say that was at my store.

MR. SHANAHAN: Pardon me?

THE COURT: At his store.

Q And approximately when was that?

A Oh, a few weeks later.

Q And what did Mr. Ebare tell you during that conversation?

A Well, if I had any action that -- action, why he can get it in for me.



THE COURT: If you have any action, he would get it in for you, is that what he said?

THE WITNESS: Yes.

THE COURT: All right.

BY MR. FISHER:

Q Now, did you know what he meant by the word action?

A Well, baseball action.

Q And what does action mean, according to what you understood?

A Well, being betting action.

Q Betting. And did he give you any more information about how your arrangement would be?

A Well, just that I could call, and he would put it in.

Q Are you saying he gave you the phone number to call?

MR. SHANAHAN: Wait a minute, I object to that.

THE COURT: Yes. Take his answer as it was. Next question.

BY MR. FISHER:

Q Now, did there come a time when Mr. Ebare introduced you to Mr. D'Agostino?

A Yes.

Q And what did he say at that time?

A Mr. D'Agostino, primarily, he was -- he wanted me to rent an automobile for him.

Q Did you have any discussions about betting?

A Not with D'Agostino at the time, no.

Q Did you have any such conversations at another time with Mr. Ebare and D'Agostino?

A Well, it was just rough a phone call, once in awhile.

Q Mr. Colloca, did you have an opportunity to testify before the grand jury on June 5th, 1975?

A Yes.

Q And I'm referring to Exhibits 3523 and 23, page 53. Mr. Colloca, I would ask you to read the grand jury testimony, starting about midway down the page and onto page 54 and ask you if that refreshes your recollection.

A Yes, it's true.

Q What is true, Mr. Colloca?

A That I took football action, too, at the time.

Q The question is, did Mr. Ebare --

MR. CHAMAHAN: I'm sorry to interrupt, but I just can't hear the answer. Would you read back that last one?

A Then in two weeks of football.

BY MR. FISHER:

Q Mr. Colloca, does that refresh your recollection as to whether Mr. Ebare introduced you to Mr. D'Agostino?

A Yes.

Q It does refresh your recollection?

A Now it does refresh my recollection.

Q And did Mr. Ebare introduce you to Mr. D'Agostino?

A Yes.

Q All right. And what did Mr. Ebare say about him at the time he introduced you?

A That he would call me, he would call me occasionally.

Q That he would call --

MR. FISHER: The answer is that he would call him occasionally.

Q For what purpose, did he say?

A For betting.

MR. FISHER: For betting is the answer.

Q Now, subsequent to that discussion, did you begin calling the telephone number that Mr. Ebare gave you?

A I would call --

MR. SHANAHAN: I object to that, that Mr. Ebare gave it to him. I don't understand that as the testimony.

MR. FISHER: I believe the testimony was, Mr. Ebare first gave him the number.

THE COURT: Did you begin calling whatever number it is?

BY MR. FISHER:

Q Did you begin calling the number?

A Yes.



Q And were these wagers which you took from other people, you accepted from customers of yours?

A That would be friends of mine, friends of mine, as far as that is concerned.

Q And would the person at the other end of the number accept those wagers?

A Yes.

Q Now, did you ever receive the line information?

A Yes.

Q And who did you receive the line information from?

A I received it from most anybody. The line would be given to me from somebody.

Q Did somebody call?

A Somebody called.

Q Or did sometimes they come by?

A No, they wouldn't come by, they would call.

Q Was it the same person who called to give you the line that you called back the bets to?

A No.

Q It could be a different person?

A Yes.

Q But was it at the same number?

A It would be the same --

MR. BLANCHARD: I object to that question.

THE COURT: Overruled. Was it the same

number?

THE WITNESS: It would be the same number many times, yes.

THE COURT: Just so I understand it, you call a certain number to place a bet?

THE WITNESS: Right.

THE COURT: You would also call that same number if you wanted to get line information?

THE WITNESS: No, they would call me, they would call me.

THE COURT: Someone would call you?

THE WITNESS: Someone would call me.

THE COURT: Do you don't know where they called you from?

THE WITNESS: No.

THE COURT: All right.

BY MR. FISHER:

Q Now, did you receive any compensation or pay for this service?

A I didn't receive no compensation or pay for this.

Q Why did you do it?

A Just as a favor.

MR. SHANAHAN: I object to the form.

A I did it because I like to bet, myself.

Q Now, was there an arrangement made for settling up with

these bettors or customers of yours?

A Yes.

Q Who would settle up with these customers?

A There would be several people that would come down and settle, no one particular person.

Q Well, you mean settling up with you?

A Right.

Q But who personally dealt with your customers? Was it any of these other people or was it you?

A I don't understand.

Q Who settled up with your customers? If a customer would come in and make a bet --

A Right.

Q -- and then at the end of some time period --

A They would settle with me, then I would --

Q So if that customer won the bet, you would pay him out of your pocket, is that right?

A Yes.

Q And if he lost, he would pay you?

A Right.

Q Now, if he lost, do you know what the term vigorish means, or vig?

A Vigorish, yes.

Q Now, could you explain what that term means to us?

A You put 50 cents more. For instance, if you had a wager



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of \$5.50, you would get \$5.00 back for it.

Q Let me give you an example: if a bettor placed a bet with you of \$100, and that bettor lost, how much would he owe you?

A \$110.

Q What is the \$10 extra? What does that represent?

A That would be the vigorish to the man that would --

THE COURT: That is because he didn't put the 100 up front when he made the bet, is that it?

THE WITNESS: Right, right.

Q It is commission paid, or the extra money paid as a commission or profit, is that right?

A Profit. That wouldn't be to me.

Q I understand. We will get to that.

If the bettor loses -- I'm sorry, if the bettor won the \$100 bet, how much would you have to pay him?

A If he won 100 and --

Q If he won a \$100 bet that he placed.

A Well, if he put the money up, I would have to give him back \$210. If he didn't, I would have to give him back \$100.

Q If he did not put the money up, you are saying you would have to give him only \$100?

A Right.

Q Was it usually the case that they put the money up or they did not put the money up?

A Usually the case that they did not put the money up.

Q In other words, their credit was accepted and you settled at the end of a period of time?

A By me.

Q By you, and you were responsible for settling up?

A I was responsible.

Q Now, did you make any profit from this settling up?

A No, I made no profit.

Q All right. What did you do with the money that you collected from settling up?

A I would turn it over to whoever come to collect it.

Q All right. Would somebody come personally to collect it?

A Yes.

Q All right. And who would come to collect it?

A Well, they would say that somebody is coming down to collect it, and it wouldn't be any particular one person.

THE COURT: Who would say that they are coming down to collect it?

THE WITNESS: Well, they would tell me on the telephone.

THE COURT: Did you recognize the voice on the phone?

THE WITNESS: Sometimes I -- as far as

recognition on the telephone, I -- I wouldn't honestly say I recognized exactly who I was talking to sometimes.

THE COURT: You mean you just gave this to anybody that came in the door and said, hey, give me the money, is that what you are telling us?

THE WITNESS: No, I'm not saying this, I am not saying this. I am saying that I would be told --

THE COURT: He did you know you were paying it to the right guy? That is what we want to know.

THE WITNESS: Well, they would tell me somebody would be there at a certain time.

THE COURT: Who told you?

THE WITNESS: Whoever would talk to me on the phone.

THE COURT: Who? You mean, anybody could call you on the phone? I could call you and say, pay it to Fisher?

THE WITNESS: Well, whoever took --

THE COURT: How did you know you were paying it to the right guy?

THE WITNESS: Because they would say he would be there at a certain time.

THE COURT: Who?

THE WITNESS: Whoever told me on the



phone they would be there at a certain time.

THE COURT: And that person would come?

THE WITNESS: That person would come,  
or they would tell me to be at a certain place and --

THE COURT: But you don't know who called  
you?

THE WITNESS: For sure, I didn't know  
for sure.

THE COURT: Well, what is your best  
recollection of who called you?

THE WITNESS: Well, I would say my  
best recollection would be Joey.

THE COURT: Joey D'Agostino?

THE WITNESS: Joey, my best recollection.

THE COURT: All right, go ahead.

BY MR. FISHER:

Q Mr. Colloca, did the defendant, Michael Beach, ever come  
around to collect?

A Yes.

MR. WEINSTEIN: Your Honor, I object.

THE COURT: Overruled, under the  
circumstances. Go ahead.

A Yes.

Q Approximately how often did he come around to collect?

A Oh, maybe about five, four, five, six times.

Q Now, was the money that was involved when Mr. Beach came around to collect associated with the bets that you called in to this telephone number?

A Right.

MR. WEINSTEIN: Your Honor, I object again.

THE COURT: Sustained. It calls for a conclusion.

BY MR. FISHER:

Q Now, did there come a time in July or August of 1974 when you had any disagreement with the Defendant Ebare?

MR. SHANAHAN: I object to the form.

THE COURT: Overruled.

A I don't know what you mean.

THE COURT: We will take a short recess. The jury may take a short recess.

You can take a recess, Mr. Colloca, but I would suggest, you are only making it difficult for yourself. Answer these questions more directly and more frankly, and you will have an easier time.

(After a recess, the trial proceeded as follows:)

THE COURT: All right, proceed.

BY MR. FISHER:

Q Mr. Colloca, before the break, you told us about a meeting



I would like to direct your attention to between you and Mr. Ebare concerning the gambling business and his request for you to take action. Do you recall that?

A Yes.

Q Now, what else did Mr. Ebare say at that meeting?

A Could you explain yourself?

Q Did he say anything at that meeting with respect to what you would receive in compensation for this?

A Well, at the end of the season, why he would give me something at the end of the season if there was any money made.

MR. RYDELEK: Your Honor, could we repeat the answer, please?

(The pending answer was read back by the reporter.)

BY MR. FISHER:

Q Now, after this initial meeting with Mr. Ebare, did you begin calling in your action to the Defendant D'Agostino?

A It would be -- somebody would call.

Q Was it D'Agostino?

A Somebody would call and D'Agostino would be one of them who would be calling.

Q Now, did the Defendant Richard Michael Beach ever call?

MR. RYDELEK: I object to that form.

THE COURT: Overruled.



BY MR. FISHER:

Q Did the defendant, Richard Michael Beach, ever call?

THE WITNESS: Did you say overruled,  
Judge?

THE COURT: I said, answer it. Go ahead.

Q Did the defendant, Richard Michael Beach, ever call?

A Yes.

Q And did you give action in the same manner to the  
defendant, Richard Michael Beach?

A I would assume it would be the same.

Q Well, is that your best recollection?

A My best recollection.

MR. WEINSTEIN: I move to strike that as  
not responsive. It is an assumption.

THE COURT: Yes, strike it. It is an  
assumption. Go ahead.

BY MR. FISHER:

Q Now, did the defendant, Richard Michael Beach, ever meet  
you for the purpose of settling up or collecting?

MR. WEINSTEIN: I object as leading.

THE COURT: Overruled. I am going to let  
him lead, under the circumstances. Go ahead.

Q Did the Defendant, Richard Michael Beach, ever meet you  
for the purpose of settling up or collecting the money  
that was collected as a result of this betting action?

A Yes.

Q And where would he meet you?

A Just most anyplace, anyplace he directed me to.

Q Would he ever meet you at the Pink Pussycat Lounge?

A He has.

Q Did he meet you sometimes at your store?

A Yes.

Q Now, did you ever have a discussion with the Defendant Ebare about settling up or about money due and owing?

A I didn't have no meeting of anything like that, but --

MR. SPANAHAN: Could I get that answer read?

THE COURT: He said, I didn't have no meeting.

MR. FISHER: About anything like that.

THE COURT: Did you have a talk with him about it?

THE WITNESS: Yes, I did.

THE COURT: Where, when, and what did he say?

THE WITNESS: Well, I had to give him \$600 at the Chart Room, \$600 I had to give him at the Chart Room.

BY MR. FISHER:

Q Where is the Chart Room?



A In the city.

Q And approximately when was this?

A It was during the baseball season, between the baseball season and football season, whenever it was. It was in that area.

Q And what was the \$600?

A It was money that was bet.

Q Was it money that you owed the Defendant Ebare?

A Right.

Q As a result of the betting action that you placed over these telephones?

A Of losses, yes.

Q And what did Mr. Ebare say at this conversation?

A I just paid him, that's all there was to it.

Q You said to pay him?

A I just paid him.

Q Oh, you paid him?

A Yes.

Q Now, did there come another time when you owed Mr. Ebare some money and you had a discussion about it?

A Will you make yourself more clear?

Q I'm sorry, I can't hear.

A Would you make yourself more clear?

THE COURT: He doesn't understand you.

Q Did you have a discussion at your store, the Deluxe Cleaners



on an occasion concerning a 1200-dollar debt?

A Well, if I couldn't pay, why he would --

Q Please listen to the question. Did you have such a discussion?

MR. SHANAHAN: Objection.

THE COURT: It is a leading question.

I let you put leading questions.

A I don't understand.

BY MR. FISHER:

Q Did you discuss with Mr. Ebare, \$1200 which you owed him as a result of the betting?

A Yes.

Q And was this in 1974?

A Yes.

Q And did this take place at the store?

A Yes.

Q At the cleaners?

A Yes.

Q And what did Mr. Ebare say?

A Well, he would take the machines for -- he would take a machine out for payment of the money that was owed.

Q And what machine was he referring to?

A He didn't refer to any particular --

Q But you were inside your dry cleaning store, is that right?

A Yes.

Q He didn't point to a particular machine?

A No.

Q But was he referring to some machine in your store, in general?

A Well, any machine that was taken out would --

Q Can you run your dry cleaning establishment without your machines?

A No.

Q Did you ultimately pay the \$1200?

A Yes, it is paid.

Q One more question, Mr. Colloca: in your arrangement with Mr. Ebare and Mr. D'Agostino and Mr. Beach, if one of your bettors did not pay you, who was responsible for paying, the bettor or you?

A Me.

Q You were responsible to the Defendant Ebare?

A Right.

Q The bettor was not responsible?

A No.

Q You were responsible for the collections?

A Yes.

MR. FISHER: No further questions.

THE COURT: Cross-examination.

## CROSS-EXAMINATION

BY MR. SHANAHAN:

Q Mr. Colloca, would you please try to keep your voice up so that I can hear you back here.

A Yes.

Q Now, you tell us that you are in the dry cleaning business?

A Yes.

Q And you were during the years of 1974 and 1975?

A Yes, I was.

Q How long have you been in that business?

A I would say 30 years.

Q 30 years?

A 30 years.

Q And you had a place of business, a store, or a shop where you received dry cleaning and where you did the cleaning work?

A Yes.

Q Is that in the downtown area of Oswego?

A The downtown area in Oswego, right.

Q And has that been your location for quite some period of time?

A Yes.

Q All right. Now, you say that, if I understood you correctly, that during the years of 1974 and 1975 you took bets?



A Yes.

Q Is that right?

A Yes.

Q And do I understand correctly that you say you took these bets from your friends?

A That's right.

Q And these were people then that you knew?

A Right.

Q In the City of Oswego, would that be right?

A Right.

Q Well, now, let me ask you: did those people come to you and ask you to bet their money for them, is that what you mean?

A That is what they did.

Q And did you bet, yourself?

A I bet, myself.

Q Well, it is important for us to understand precisely how this happened now. Am I to understand that people that you knew would come to you and they would tell you they wanted to bet on some sporting event?

A Right.

Q And that they asked you to place their bets for them?

A Right.

Q Is that what happened?

A Yes.

Q So that you would take the bets that they gave you, and with your own money you would place those bets?

A Right.

Q Is that what you are telling us that happened?

A That is the way it happened.

Q You are sure about that?

A Yes, this is the way it happened.

Q Now, did you charge these friends of yours any money to place their bets as you are telling us?

A I didn't charge them myself, no.

Q You didn't charge them any money for betting?

A Not for me, no.

Q All right. Now, there was a time, was there not, Mr. Colloca, when there was a wiretap on your telephone in your place of business in Oswego?

A Right.

Q Is that right?

A Right.

Q And when was that, if you can tell us?

A I don't remember exactly what days they were.

Q Well, was it in the latter part of 1974, early '75?

A I would say the latter part of '74.

Q Latter part of '74. And was that a New York State police wiretap?

A That was a Federal -- I had a Federal tap and I had a

New York State police tap, also.

Q Well, are you telling us that there was a Federal tap and also a New York State police tap?

A Yes.

Q You mean at separate times?

A Two separate times, or they could have been the same time.

Q I beg your pardon?

THE COURT: Either, he said.

A I said it could have been at separate times or it could have been at the same time. I don't know exactly, I don't remember exactly.

Q I see, all right. Now, let me ask you, when friends of yours would come and tell you they wanted to bet, as you have described to me, did you bet with bookmakers up in Oswego?

A Yes, I did.

Q And with how many bookmakers did you bet in Oswego?

A Two.

Q Two. And who were they, please?

A Do I have to answer this?

Q I'm afraid you will have to tell us, unless the Court excuses you from doing it.

THE COURT: Tell him.

A Well, I bet with John Spaino.

Q And who else?



A And Shirley Spaino.

Q Beg your pardon?

A And Shirley Spaino.

Q Now, John and Shirley Spaino are husband and wife who live up in either Oswego or in Fulton, would that be right?

A In Oswego.

Q I beg your pardon?

A In Oswego.

Q In Oswego. And do I understand from time to time when these friends of yours would come and wanted to bet, that you would call in their bets, perhaps along with yours, to Mr. and Mrs. Spaino?

A That's right.

Q And were Mr. and Mrs. Spaino bookmakers?

A They actually weren't bookmakers, no.

Q They actually weren't, but they did accept bets?

A They did accept bets.

Q All right. Did you ever bet with Peter Blake in Oswego?

A No, I never bet Peter Blake.

Q Did you ever bet anyone other than the Spainos?

A That's all, that's all.

Q How about Scaccia?

A Never bet Scaccia.

Q Now, all of these people that I asked you about were people

who were engaged in gambling in Oswego, correct?

A Well, they were engaged, yes.

Q In one form or another?

A In one form or another.

Q All right. Now, when was it that you were placing bets with Mr. and Mrs. Spaino?

A It was during the same time.

Q During the same time period that you have testified about here?

A Right.

Q Well, do I understand then that some friend of yours or friends of yours came and wanted you to bet, that you would maybe decide to place that bet with Spaino or maybe you would decide to place it with D'Agostino?

A Wherever the line was the best.

Q Well, all right. Now, let me ask you: in connection with betting with Spaino, did you get a line from them?

A Yes.

Q And that would be the point spread?

A That would be the point spread, right.

Q Between the two different teams that were in come contact, would that be right?

A Right.

Q And do I understand that on the telephone from D'Agostino, you also got a line spread?



A Yes, I did.

Q And what would you do, select the most advantageous spread?

A Yes.

Q In placing the bets?

A Yes.

Q That is, if there was a spread that you figured would be more advantageous to you and your friends that you got from the Spainos, you would place the bet with Spaino?

A Right.

Q Or if you thought it was more advantageous to place that bet with D'Agostino, you would place it with him?

A Right. It wouldn't be D'Agostino. I wouldn't say it was directly to D'Agostino each time.

Q All right. But, in any event, depending on the line, you would make up your decision as to with whom you would bet?

A The friends of mine would make up their minds as to who they would want to bet.

Q All right. Well, do we understand it correctly then that after you would get the line from Spaino, that you would say to your friends --

A Right.

Q -- Spaino's line is such and such?

A Right.

Q Or the line in Syracuse is something else?



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A Right.

Q And they would tell you which one they preferred?

A Right.

Q Is that the way it went?

A That's the way it went.

Q And this is during the same period of time that you were talking to Mr. Fisher about, 1974 and 1975?

A No, I didn't talk to Mr. Fisher about that.

Q When I say talk to him, I mean in answer to his questions here this morning.

A Oh, okay.

Q You were telling us about 1974, 1975?

A I would say that's right.

Q All right. Now, what I am asking is, was this betting with Spaino, Mr. and Mrs. Spaino during that same time period?

A Yes.

Q Okay. Now, let's assume that you and your friends bet with Spaino.

A Right.

Q And your friends lost.

A Yes.

Q How would you settle with them?

A I would have to settle with them.

Q I beg your pardon?

A I would have to settle with them.

Q You would pay them?

A Yes.

Q Or they would pay you if they lost, of course?

A Or they would pay me.

Q They would pay you?

A Right.

Q If they won, and you are betting with Spaino, what would happen then, would you pay them their winnings?

A I would have to pay them their winnings.

Q And at what rate would you pay them?

A The same as --

Q The same as you described here earlier?

A The same as I described earlier.

Q All right. Now, you have told us, have you not, that you didn't bet with anybody else in Oswego except the Spainos?

A That's right.

Q Could you tell us over what part of 1974 and what part of 1975 you bet with the Spainos?

A Well, I bet '74 and I bet the very early '75.

Q Well, let me --

A Part of '75, also.

Q Let me ask you, Mr. Colloca, do you consider yourself to be a bookmaker?

A No, I don't.



MR. FISHER: Objection. Conclusion.

THE COURT: Overruled.

BY MR. SHANAHAN:

Q That is, if I understand it correctly, you don't book bets yourself?

A No, I do not.

Q You simply receive the money or receive the bets and bet it along with your money?

A Right.

Q With someone else?

A Right.

Q That's all?

A Right.

Q And then have you been conducting that sort of a practice over a long period of time?

A No.

Q About how long, would you say?

A Well, I conducted that maybe, probably, I would say --

Q I beg your pardon?

A I would assume, I would say three years, two years, three years.

Q Two or three years?

A It wasn't very long, anyway.

Q All right. (Now, you told us earlier that there was some time that you had a talk with Mr. Ebare, and that was on



the subject of his opening a bicycle shop?

A Right.

Q Would that be so?

A Right.

Q And he wanted you to look for some location in the City of Oswego where he could open a shop?

A Right.

Q And did you in fact go and interview some owner of a building where a bicycle shop had been in operation at an earlier date?

A Right.

Q And that was with a view of attempting to rent that shop for Ebare, was it?

MR. FISHER: Objection, irrelevant.

THE COURT: Overruled.

A Yes.

BY MR. SHANAHAN:

Q Now, I think you said that after that business about the bicycle shop, there came a time when you and Ebare had a talk in your store?

A Right.

Q And at that time, the talk was where you could place bets?

A Right.

Q And that he indicated that he would try to get bets in for you, if you wanted to bet?

A Right.

Q With somebody else, is that right?

A Right, with somebody, he could get the bets in for me.

Q And you say that following that, on some occasion he introduced you to Joey D'Agostino?

A Yes.

Q Had you ever known D'Agostino before that time?

A No, no.

Q Now, did D'Agostino ever pay you any money for getting bets for him?

A D'Agostino didn't pay me any money.

Q Did Moore ever pay you any money?

A Moore never paid me no money.

Q And you say your customers didn't pay you?

A My customers did pay, yes.

Q I beg your pardon?

A My customers did pay.

Q I don't know what you're saying, did or did not.

A They did pay, if they lost, yes.

Q If they lost, they paid?

A And if they won, they got paid.

Q But what I am getting at is, they didn't pay you any profit over and above their loss?

A No.

Q Now, in the course of time, as I understand it, you called



some telephone number that you had been furnished?

A Right.

Q Was that a Syracuse telephone number?

A Well, it would be in the Syracuse area.

Q Did you know the location of the telephone you were calling?

A No, I did not.

Q When you would call, did you know with whom you talked?

A I talked to different ones.

Q I didn't catch that.

A I talked to different people.

Q You talked to different people?

A Sometimes I would talk to --

Q All right. And as I understand it, on an occasion, you would get the line?

A I would get the line.

Q And then later you might call and indicate what the bets were?

A Right.

Q Did you ever accept any bets back from this telephone that you called?

A No, no, I never --

Q Let me ask you: do you know what the term laying off bets means?

A Yes.

Q Now, do you agree with me that if a person is a bookmaker



and he accepts bets, that he may lay off part of that action with somebody else?

A Yes.

Q Is that what you understand that lay off is?

A I understand the lay off, yes.

Q You understand the term?

A Yes.

Q Now, as you have described it, do you say that you were laying off bets with this telephone number?

A Well, I just put the bets in.

Q I beg your pardon?

A I put the bets in.

Q You put the bets in?

A As they --

Q But these bets that you put in, did you book them yourself in the first instance?

A I put them in. I put the bets in for myself as well as friends of mine.

Q I understand what you are telling me, but when these friends of yours would come to you and they wanted to bet, say, on a super bowl game, just as an illustration --

A Right.

Q -- they wanted to bet on Miami --

A Right.

Q -- would you book that bet yourself?

A I wouldn't say I would book it myself.

Q What you would do is call it in, whatever you wanted to bet?

A That's right.

Q Would that be right?

A Right.

Q And that is the only way you ever did it, is that what you mean?

A That is the way I did it.

Q Did you ever get line information from anyplace other than this telephone in the Syracuse area and other than Spaino?

A I got a line from -- I got a line from the Spainos, and I got a line from this, from the Syracuse area, and that's all.

Q You never got any other line?

A No.

Q Did you ever use any newspapers or --

A I used newspapers to guide myself.

Q And did these newspapers contain a list?

A Right, and I also used -- I also used tip sheets, as they call it.

Q Subscriptions?

A Tip sheets.

Q Sporting magazines?



A They are a sports tip sheet. I would also use them.

Q Tip sheets?

A I would also use them, which would give you a line, an average.

Q I see. Now, you said that you had a meeting with Mr. Ebare at the Chart Room in Oswego?

A Yes.

Q Now, the Chart Room is a restaurant, bar and eating place?

A Right.

Q And that is located downtown in Oswego, is it?

A It is located in the Lakefront.

Q On the lakefront, but that is part of the business area in the City of Oswego, or just off from it?

A Just off from it, and it was a marina and --

Q Do you recall when it was that you met with Ebare at that location?

A I don't recall the exact date and I don't know if it was in July, August or September. I couldn't tell you.

Q July, August or --

A I don't remember.

Q I am trying to find out now, what year. You say you don't know whether it was July, August or September. Do you know what year it was?

A I would say '74.

Q You would say in the year of 1974?



A I would say '74.

Q Now, on that occasion, when you say that you saw Ebare at that location, what part of the building did you see him in? Was this the bar or at a table in the restaurant, or what?

A The bar.

Q Was there anyone else present there at that time?

A There was a person present there at that time, but I don't know who it was, and I don't remember who it was.

Q How long a period of time were you and Ebare together on that occasion?

A Oh, we were there, we were together maybe about an hour, between an hour and two hours.

Q And were both of you --

A We had a few drinks there.

Q You were both drinking at the bar during that period of time were you?

A Right.

Q And had you, on other occasions, been in restaurants and in bars with Ebare in the past?

A Yes, I met him in the Pussycat, too.

Q No, I'm talking about before this Chart Room.

A No.

Q That was the first time you ever met him at a bar or a restaurant?

A At a restaurant, yes.

Q You testified before the grand jury in this case, did you not?

A Yes, I did.

Q Well, didn't you give some testimony that had to do with you didn't want Ebare to be picking up the check, so you gave some money?

A I also did that, too.

Q Well, when was that, before this Chart Room or after, or what?

A That was on another occasion. I also -- I insisted that I would pay the check.

Q All I am trying to find out is, were you in some restaurant or some bar with him on some occasion before this Chart Room?

A Yes, yes.

Q So this Chart Room wasn't the only time you ever met him in a restaurant?

A That's right.

Q And it wasn't the only time you ever had a drink with him?

A That's right.

Q And were you and Ebare on friendly terms?

A Yes, we were.

Q Now, did I understand you to say at some point in your direct examination, I'm not sure I heard it correctly,

but did I understand you to say that you paid him \$1200 at some time?

A No, I paid him 600.

Q You said what?

A I paid him \$600.

Q You paid him \$600?

A That's all I paid.

Q What was this talk about \$1200? I couldn't hear what you were saying.

A Well, this is what I owed.

Q I beg your pardon?

A That is what I owed.

Q That is what you owed?

A Yes.

Q And what you are talking about now is what you owed for bets for friends?

A That's right.

Q Well, did you owe it or did the friends owe it?

A Well, a combination.

Q A combination?

A A combination.

Q Now, in connection with your appearing as a witness before the grand jury, you did appear back last summer, the summer of '74, did you not, before the grand jury in this case?



A Yes.

MR. FISHER: Excuse me. It was '75.

MR. SHANAHAN: I beg your pardon. I am  
off a year.

A '75.

Q It was last year, 1975, would that be correct?

A Yes.

Q All right. And let me ask you, was there some case  
pending at that time against you in Oswego?

A Yes, there was.

Q A criminal case?

A Yes.

Q A bookmaking charge?

A Bookmaking, possession of gambling slips.

Q And when you came up here to testify before the grand  
jury, you came with your lawyer, Mr. Pidgeon?

A Right.

Q And he was the same man who was representing you in the  
case that was then pending up in Oswego County, would  
that be right?

A Right.

Q And through your lawyer, you asked for and received  
immunity in connection with the testimony you gave?

A Yes.

Q And you were in a position where you were anxious to have

that testimony be helpful to you in that case up in Oswego, weren't you?

A No, I wouldn't say that, because there was two different cases.

Q Two different cases?

A Right.

Q And this morning again, you asked for and received immunity, did you not?

A Yes.

Q Mr. Colloca, you said that you had some conversation with Mr. Ebare in your store when there was some talk about a machine?

A Yes, if I didn't pay, why, he would take the machine.

Q What is that?

A If I didn't pay, he would take one of my machines.

Q Let me ask you, do I understand correctly, you did pay him 1200 or you did not pay him 1200?

A I did not.

Q You did not pay 1200?

A I paid him \$600.

Q You paid him 600?

A Yes.

Q And you say you paid that to Ebare?

A Yes.

Q Was there anyone else there at that time?



A I don't know the person.

Q I beg your pardon?

A I don't know the person.

Q Someone else was there, but you don't know who it was?

A I don't know the person, and if I saw him right now, I wouldn't know who it was or what they looked like.

Q Well, is that the person you gave the \$600 to, if you did?

A No, I gave it to --

Q This person that you don't know what he looks like?

A I gave it to Sam.

Q You say you gave it to Sam. Did he give it then to this person?

A I don't know what transaction happened there.

Q Well, when do you say that took place?

A I told you, it was either the month of July, August or September, that's all I can tell you.

Q In 1974?

A Yes.

Q July or August of 1974?

A Yes.

Q Is that what you are saying?

A That's what I was -- I would say.

Q That is the correct year, 1974?

A I would say it was '74.

Q According to what you are telling us then, you owe \$600



\$500 now?

A Yes.

Q Did he ever ask you for \$600?

A No.

Q Did he ever mention it to you?

A No.

Q But you say you owe him \$600?

A I do.

Q Just one thing I want to be sure that I asked you about.  
I don't want to repeat it, if I have. In connection with  
the use of this telephone number where you talked to  
different individuals --

A Yes.

A -- in giving the bets and getting line information, did  
any of those people on that telephone ever bet back with  
you?

A No.

Q Or lay off any bets with you?

A No.

MR. SHANAHAN: That's all.

MR. RINALDI: I have got just a few  
questions, your honor.

CROSS-EXAMINATION (Cont'd)

BY MR. RINALDI:

Q Mr. Colloca, would it be fair to say that also the people

for whom you accommodated in taking bets, and then various other bookies were patrons of your dry cleaning establishment?

A No. They were people of my dry cleaning establishment, but --

Q Were they friends who patronized --

A They were friends of mine who patronized me. They were friends of mine that I went out with.

Q I take it that what you are telling me is that when you accepted the bet, you were accommodating --

A I was accommodating.

Q Placing it with some other bookie at whatever location you might have had?

A Yes.

Q And in placing these bets that you were taking from your friends and accommodating them, and some was your funds of your own?

A Right.

Q What you would do then, I take it, is call up either this bookie or that bookie and place the bets where you thought it might be better?

A Wherever the line was the best is the way the bettor would give me, say, put it in with this man or put it in with this other man.

Q And actually, you would utilize perhaps two or three



different bookies at one time, or two or three different lines, depending on what the bets were on any given day?

A That's right. You just didn't --

Q Okay. Now, is it my understanding from your testimony before the grand jury, that you yourself did not ever book any bets?

A I never booked the bets, no.

Q And wasn't that also your testimony very strongly before the grand jury, that you were not a bookmaker?

A I am not a bookmaker, no.

Q Okay. Now, I assume, Mr. Colloca, for example, if I was one of your friends that you were accommodating to place a bet with either one bookie or another bookie, that if by chance I were to bet a hundred dollars with you and I won, that I would not give you any compensation for me winning? In other words, you received no money whatsoever in any way from anyone?

A I didn't receive no money until it was won or lost.

Q Well, but I mean as profit, as compensation.

A As profit for myself?

Q Yes.

A No, no.

Q You just mentioned one thing here. I think you said that you still owed Sam Ebare \$600?

A Right.



Q Does a good portion of that represent your own personal losses?

A I wouldn't say that.

Q Now, how long a period of time did you bet with Mr. D'Agostino, Joey?

A I would say it was one season, and just barely started on another season, and that's all.

Q A period of several months?

A It was just a period of several months.

Q All right. And isn't it a fact though, Mr. Colloca, that he himself, when you called, was basically on the phone?

A Well, I would assume it was him.

Q All right. Did you ever have occasion to bet any other bookies in Syracuse, aside from Mr. D'Agostino?

A No, none that I know of.

Q Well, you are familiar with a number of others, though, are you not?

A No, I am not familiar.

MR. RINALDI: All right, fine. Thank you.

CROSS-EXAMINATION (Cont'd)

BY MR. WEINSTEIN:

Q Now, Mr. Colloca, a few weeks before you testified before the grand jury in 1975, you had a heart attack, didn't you?

A A few weeks?

Q In 1975.

MR. FISHER: Objection, irrelevant.

THE COURT: Sustained.

BY MR. WEINSTEIN:

Q Mr. Colloca, have you ever had a problem with your memory?

A Yes, I do.

Q And do you recall testifying before the grand jury and stating at that time that you had a problem with your memory?

A Yes, I do.

Q You do have a problem with your memory?

A Yes, I do.

Q Now, when you appeared before the grand jury, you were shown a picture of Richard Michael Beach, were you not?

A Yes.

MR. WEINSTEIN: May I approach the witness, your Honor?

THE COURT: Yes.

THE CLERK: Defendant's Exhibit A marked for identification.

BY MR. WEINSTEIN:

Q And Mr. Colloca, is this the picture that you were shown when you testified at the grand jury?

A Yes. Well, I assume this is the picture.

Q Okay. Now --

THE COURT: Do you know whether that is the picture?

MR. WEINSTEIN: It is, your Honor.

THE COURT: I'm not asking you, I'm asking the witness.

THE WITNESS: Well, as I say, I assume that that is the picture.

THE COURT: We are not interested in your assumptions. Do you remember whether that is the picture or not?

THE WITNESS: If that is the actual picture that they presented to me?

THE COURT: Can we stipulate?

MR. FISHER: Yes, we will stipulate that is the picture I showed him.

THE COURT: All right.

BY MR. WEINSTEIN:

Q Mr. Colloca, were you shown any other pictures at the time you picked this picture out?

MR. FISHER: Objection, your Honor. That is a matter for pre-trial discussion, and no motion has been made.

THE COURT: Overruled.

BY MR. WEINSTEIN:

Q Were you shown any other pictures, other than this one,



before the grand jury?

A Well, as I told you, I don't know if that is the actual picture that they showed me, but they showed me that as Mr. Beach.

Q Well, it has been stipulated that it is. My question to you is, if this is the picture, is this the only photograph that you were shown, or were you shown an array of pictures?

A You have got me confused, I'm sorry.

THE COURT: He doesn't know what you mean.

Were you shown one picture of Beach, or ten pictures or five pictures or three pictures?

Q Were you shown one picture of Beach?

A Well, I picked him out as Beach. I picked this picture out as Beach.

Q Okay.

THE COURT: Picked him out of what?

THE WITNESS: Out of what he just showed me.

THE COURT: Were you shown a lot of pictures?

THE WITNESS: They showed me several pictures.

THE COURT: Several pictures?

THE WITNESS: Yes. I don't remember --

THE COURT: And you reached in and said, this was Beach?

THE WITNESS: They asked me if this one here was Beach, and they asked me --

THE COURT: They asked you to pick out Beach?

THE WITNESS: Yes.

THE COURT: And you reached in and picked him out, is that it?

THE WITNESS: Right.

BY MR. WEINSTEIN:

Q Now, do you recall testifying that you never knew Beach's name, at the grand jury?

A I testified that I didn't know D'Agostino's name. I believe that is the one that I remember.

MR. WEINSTEIN: May I approach the witness, your Honor?

THE COURT: We will take our luncheon recess at this time, one-half hour.

We are going to work the schedule where we adjourn at 3:30 afternoons. I understand that meets with your desire as well as the desire of the lawyers, and we work the same number of hours as we would if we took a long lunch hour. Don't talk about the case; don't let anybody talk about it with you.

(After a luncheon recess, the trial continued as follows:)

THE COURT: Good afternoon. Proceed.

CROSS-EXAMINATION (Cont'd)

BY MR. WEINSTEIN:

Q Now, Mr. Colloca, before we broke for lunch, I showed you a picture of Mr. Beach.

A Yes.

Q And I asked you, Mr. Colloca, if this is the photograph that was shown to you when you testified before the grand jury.

A I presume that is the one that was shown to me, yes.

Q And you were only shown this photograph and told that it was Mr. Beach, isn't that correct?

A Right.

Q Okay.

THE COURT: Well, you just told me you were shown several photographs. Which is it?

THE WITNESS: No, there was other photographs, other than this one here.

THE COURT: You were shown a spread of photographs, is that it?

THE WITNESS: Right.

THE COURT: And did you select Beach, this picture here?



THE WITNESS: No, I didn't select it.

They asked me if this was Mr. Beach, they asked me.

They told me who it was and I identified him.

MR. WEINSTEIN: May I proceed, your Honor?

THE COURT: Yes.

BY MR. WEINSTEIN:

Q Now, Mr. Colloca, you stated that you handled this gambling operation with the Syracuse phone number over a period of approximately four to five months, isn't that correct?

A Well, it was that one year.

Q Okay. But it wasn't something that continued for a couple weeks, it was over a period of four or five months, isn't that true?

A Over a period of baseball season and a couple weeks of football season.

Q Fine. Now, during that period of time, it was your testimony that a number of different people on occasion came to your establishment to collect from you, isn't that correct?

A Yes.

Q Now, also on your direct testimony, you stated that you only were approached by the defendant, Beach, on four or five occasions, isn't that true?

A I would say in that area.

Q Four or five occasions?

A I assume that is what I would say, yes.

Q How --

A To the best of my recollection.

Q Fine. When you would telephone and place your bets in Syracuse, was this on a daily basis?

A Well, sometimes it would be on a daily basis and sometimes it wouldn't.

Q Isn't it true that collections would take place on, let's say, two or three times a week?

A No, once a week.

Q Pardon me?

A Once a week.

Q Once a week, and this is over a period of five months?

A Yes.

Q And during that five months, you only recall seeing the Defendant Beach on four or five occasions?

A Probably.

Q Probably. Now, do you recall ever handing Beach cash on those four or five occasions, or did you just meet?

A I handed him some cash, yes.

Q Some cash?

A Yes.

Q You don't remember how much?

A I don't remember how much, no.

Q Okay. During this period of time you were approached by others who handed you cash on other occasions?

A Right.

Q And you stated that you met with the Defendant Beach at the Pink Pussycat and other places?

A Yes.

Q How many different times did you meet with him?

A I don't remember, I don't remember.

Q You have no idea?

A I don't remember, no.

Q You don't remember?

A I don't remember exactly how many times, no.

Q Mr. Colloca, did the Defendant Beach -- he never threatened you in any manner, did he?

A No, he never threatened me.

Q Did he ever cause you any type of physical harm or upset?

A No.

Q Now, did you ever place any bets in Syracuse with Mr. Beach, if you recall?

A I would say yes, I did.

Q Do you remember what number you called?

A No, I don't.

Q Did you call the same number you always called?

A No, I called different numbers.

Q Now, Mr. Colloca, you stated that you were not a bookmaker,



is that correct?

A I stated I am not a bookmaker.

Q Have you ever been convicted of a crime, Mr. Colloca, a felony?

A I just -- I was just convicted a couple weeks ago, the crime, a felony.

Q And you were convicted of illegal gambling?

A Of illegal gambling, right.

Q Right. And so you have been convicted of a felony relating to gambling?

A Yes, I was convicted of -- how was it worded?

Q If you can remember.

A It was possession of gambling slips.

Q Okay. Now, have you recently suffered a second heart attack?

A Yes, I have.

Q And has this --

A This is my fourth.

Q And has this affected your memory here today?

MR. FISHER: Objection, irrelevant, his health, your Honor. He is discussing heart attacks.

THE COURT: Overruled.

BY MR. WEINSTEIN.

Q Has this affected your memory here today Mr. Colloca, these heart attacks?

A Well, I'm not very well, that, I will tell you.

Q You are not very well?

A I say, no, I'm not very well, no.

Q But has it directly affected your memory, sir?

A Well, my medication has got a lot to do with it.

MR. WEINSTEIN: No further questions.

MR. PALMIERE: Just one question,

your Honor.

CROSS-EXAMINATION (Cont'd)

BY MR. PALMIERE:

Q Mr. Colloca, I will be very brief. I would just like to know whether or not you have known Mr. Peter Blake up in Oswego?

A Yes, I know him.

Q You knew him towards the --

THE COURT: That's one. I thought you said one.

MR. PALMIERE: One more, your Honor.

Q In the latter part of 1974 and early part of 1975, Mr. Peter Blake accepted bets on the telephone, did he not, from people who called him?

A This -- I know Mr. Peter Blake, I know Mr. Peter Blake more as a boilermaker.

Q As a what?

A As a boilermaker.



Q But do you know whether or not in the latter part of '74, early part of '75, that he accepted bets?

A I later learned that he does accept bets.

MR. PALMIERE: All right, that's all.

Thank you.

CROSS-EXAMINATION (Cont'd)

BY MR. RYDELEK:

Q Mr. Colloca, you stated that you got a line from the Spainos in Oswego?

A Right.

Q And from the Syracuse area?

A Right.

Q If I understood you correctly?

A Yes.

Q And that in betting yourself, you used newspapers to guide you in getting information about games and lines and so forth?

A That's right.

Q And that you also bought tip sheets?

A Right.

Q Now, what newspaper are you referring to, the Post Standard?

A The Times used to give out information on the lines, and the Post Standard -- let's see -- not the Post Standard. Mostly it was the Daily News.



Q That is a New York City paper?

A Mostly, yes.

Q And do they give line information on different sporting events?

A Yes, they did. They give you an early line and they give you a late line.

Q And isn't it a fact that many bookmakers actually are guided by this line in the business?

A I don't know, I don't know how they work it.

Q Well, you have used it to help yourself in making bets?

A I have used it as a guide myself.

Q Have you ever offered that line to any more friends or associates?

A No, no.

Q Have you ever used it in your business?

A No, no, I never used it.

Q Okay. Now, are you familiar with the column that is written by Jimmy The Greek?

A Yes.

Q You probably read that?

A I read it all the time.

Q And what kind of a line does he give for the public?

A He gave a line -- he gave a line for guidance.

Q Does that line come from Las Vegas?

A That line is supposed to come from Las Vegas.

Q I believe you understand, and you told Mr. Shanahan that a line is the point spread on a particular game, is that right?

A On a particular game.

Q For example, if Syracuse were playing Notre Dame in football, and Notre Dame was favored by 14 points --

A Right.

Q -- that is what is known as a line in that particular game?

A That's right.

Q And a professional would read it as Notre Dame minus 14, is that right?

A Right, right.

Q And is it a fact that that line might appear in Jimmy The Greek's column in the Post Standard?

A That line could be --

Q Or similar lines?

A Could be. For instance, if a book would give it out at 14, Jimmy The Greek would give it out at 12, or he would give it out at 16.

Q As a matter of fact, he brought his column up to date two or three times a week?

A That's right.

Q To give people, and to give --

A An idea.



Q -- and the public and up-to-date betting line?

A Right, right.

Q Now, what about these tip sheets that you mentioned?  
Where do you buy those?

A You buy them in any newsstand.

Q And have you bought them during the past ten years or so?

A Yes, yes, I have.

Q Are they for sale to the public?

A It is for sale to the public, right.

Q Do you remember the name of any of these?

A My God.

Q Can you name one or two of them?

A Oh, boy.

Q Is there one called the green sheet, the yellow sheet?

A Yes, the green sheet, the yellow sheet, the pink sheet  
and the winning points.

Q These are also common publications that are sold on news-  
stands?

A Right.

Q And they have been, to your knowledge, for the past ten  
years?

A They have been, to my knowledge, for quite some time.

Q Are these sheets illegal, is there anything illegal about  
it?

A No, no.



Q Do you know the defendant, Louis Camerano? He is the second gentleman on the right, seated next to Joe D'Agostino.

A Camerano?

Q You'll have to stand up, if you can.

A No, I never saw the gentleman before.

Q You have never seen him before?

A Never saw him.

Q Have you ever talked to him?

A Never talked to him, no.

MR. RYDELEK: Thank you.

MR. PAPPAS: I have no questions,

your Honor.

MR. FISHER: If the Court please, your Honor.

REDIRECT EXAMINATION

BY MR. FISHER:

Q With respect to the line information, on the bets which you took from your bettors and called in to the Defendant D'Agostino or Beach, did you use the line -- which line did you use?

A Whatever line the bettor told me to use.

Q Whatever line D'Agostino told you to use?

MR. SHANAHAN: I don't think that was the answer.

Q Would you repeat the answer, please?

A Whatever line the bettor wanted me to use.

Q I see. If the line from the newspaper was different from the line that D'Agostino gave you, which line would you use in calling in to D'Agostino?

A Well, I wouldn't have newspaper line, and D'Agostino's or Spaino's, I would use one or the other book. The line you got from the paper was only nothing but guidance.

Q By one of the others, you mean Spaino's or D'Agostino's?

A That's right. They would be --

MR. SHANAHAN: What was that answer?

THE WITNESS: They would be a guide.

BY MR. FISHER:

Q Are you talking about the newspaper now?

A The newspaper.

Q You are saying the newspaper would simply be a guideline?

A It would be a guide for the bettor.

Q Would these tip sheets also be a guide?

A A guide for the bettor.

Q And would Jimmy The Greek's article also be a guide?

A Right.

Q Just to arrive at --

A Just to arrive at what these people wanted to bet.

Q But when you place a call to D'Agostino or whoever is manning that phone, you would have to use the line that



you had previously been given by that phone, is that right?

A Right, I would have to use the line that was given to me.

Q And not the newspaper line?

A And not the newspaper line.

THE COURT: Let's drop it. We are going to go around and around with it forever, Mr. Fisher.

MR. FISHER: Yes, sir.

Q Earlier in your testimony, in answering Mr. Shanahan's questions, you stated that you thought there was a Federal and state wiretap on your line?

A Definitely.

Q Why did you think there was a Federal wiretap on your line?

A Because I was notified that there was.

Q You were given a notice that you were the subject —

THE COURT: Sustained. It is irrelevant. Proceed.

Q Did any of your bettors who placed bets with you know that you were passing them along to Joseph D'Agostino?

A No, they didn't.

Q Did they know Sam Ebare had anything to do with it?

A I just gave them the two lines and they picked out whatever lines there were, and I would place them where they wanted it.

Q Did your bettor know that Mike Beach was involved at all?



A No.

Q So you were insulating your bettors from them?

A Yes.

MR. SHANAHAN: I object to that,  
insulating anybody from anything.

THE COURT: Sustained. Strike it out.

BY MR. FISHER:

Q When you called in your bets with D'Agostino, did you  
use your real name?

A No, I never did.

Q How could he recognize you?

A He recognized me. I would say my friend, or my pal, or  
something like that.

Q He recognized your voice?

A That's right.

Q And what does the term buck mean when you want to place  
a bet for a buck, when you were calling D'Agostino?  
How big a bet is that?

A It was a hundred-dollar bet.

Q Now, there was some confusion on cross-examination as to  
the point when your bettor did not pay you, in other words,  
stiffed you. Who was responsible to Ebare or D'Agostino  
or Beach for that bet?

A I was.

MR. SHANAHAN: Object to the form of that

question, if the Court please, who was responsible.

THE COURT: Sustained.

BY MR. FISHER:

Q To your knowledge, did any of the defendants ever attempt to collect money due from any of your bettors?

A Never.

Q Always from you?

A They always collected from me.

Q This meeting that you testified about with respect to the machine where Mr. Ebare mentioned a machine in your shop --

A Yes.

Q And there was somebody with him at that time. Do you remember testifying to that today, there was a third party present, did you testify to that?

A There was a third party present.

Q Now, was this third party with you or with Mr. Ebare?

A Well, he was with Mr. Ebare.

Q Now, you say Mr. Ebare never attempted to collect the \$600 you owed him?

A No, he didn't.

Q All right. And this was in 1975, is that right?

A Right, right.

Q Did Mr. Ebare ever discuss the money that was owed to you once the grand jury investigation began?

A No.

Q During the course of your telephone calls to the Defendant D'Agostino, was the telephone number changed very often?

A Yes, it was changed quite often.

Q In your answers to questions put by Mr. Palmiere, you said that Mr. Peter Blake was a bookmaker, to your knowledge?

A To my knowledge, I know he is a bookmaker.

Q Is that direct, first-hand knowledge, or is that hearsay?

A Well, he has been convicted as a bookmaker.

Q So you just heard it from other people, you never placed a bet with Mr. Blake?

A As I knew him before, he was just a boilermaker.

Q Have you ever placed a bet with Mr. Blake?

A No.

MR. FISHER: No further questions.

MR. SHANAHAN: I have nothing further.

MR. RYDELEK: Your Honor, I have one more question on recross.

RECROSS-EXAMINATION

BY MR. RYDELEK:

Q Mr. Colloca, through these tip sheets or other sports publications that we talked about, did you ever subscribe to any telephone service where you could call in and get betting information?



A Yes.

Q You have done that?

A Yes, I have done that.

MR. RYDELEK: If I may, your Honor,  
I would like to go a little bit further.

THE COURT: Yes.

Q Now, will you explain exactly what this means to a gambler,  
a better, what this service does?

MR. FISHER: Objection, irrelevant.

THE COURT: Sustained.

MR. RYDELEK: Your Honor, if the Court  
please, he is on the phone with various people, and I  
think that what I am driving at is that he can get a  
line and other information on the telephone, and I  
would like to find out how he used this service.

THE COURT: Sustained.

MR. RYDELEK: All right. Nothing further,  
your Honor.

MR. FISHER: Nothing further, your Honor.

THE COURT: You are excused. Step down.

MR. FISHER: The Government calls Mr.  
Lawrence Eppolito to the stand.

LAWRENCE J. EPPOLITO,  
having been called as a witness on behalf of the Government,  
was first duly sworn according to law and testified as follows:

DIRECT EXAMINATION

BY MR. FISHER:

- Q Would you state your address for the record, please.
- A 703 Helen Street, Syracuse, New York.
- Q And what is your occupation?
- A Superintendent, apartment superintendent.
- Q Were you so occupied in 1974 and 1975?
- A Yes.
- Q And what apartment building are you superintendent of?
- A Jamescrest Manor.
- Q Where is that located?
- A 1072 James Street in Syracuse.
- Q I have to ask you to speak up, with all the construction and everything.
- A Okay.
- Q Now, did you have occasion in 1974 to rent apartment C-4 of Jamescrest Apartments?
- A Yes.
- Q And who did you rent that apartment to?
- A Samuel Moore.
- Q Have you consulted your records to refresh your recollection as to this before coming in?

A Yes.

Q And did you bring those records with you today?

A Yes.

MR. FISHER: They are available to counsel, if you would like to look at them.

Q Now, do you see Mr. Ebare in the courtroom today?

A Yes.

Q Would you point him out to us, please?

A The fellow over there.

Q The second fellow from the left?

A Right.

MR. FISHER: Let the record reflect that the witness has identified the defendant, Samuel Ebare, please.

Q Now, when exactly did you rent this apartment to Mr. Ebare?

A When did I?

Q Yes. You can consult your records, if you want to.

A December 24th.

Q Of what year?

A Of '74.

Q Okay. Now, was a lease signed?

A Bill lease.

Q When was the agreement terminated?

A It was never terminated.

Q Well, when did Mr. Ebare move out, to the best of your



knowledge?

MR. SHANAHAN: We haven't got him in, yet.

If the Court please, I object to it.

BY MR. FISHER:

Q Did, in fact, Mr. Ebare move into the apartment, to your knowledge?

A Pardon me?

Q Did you ever see Mr. Ebare at that apartment subsequent to that time that you rented it to him?

A Yes.

Q All right. Now, did there come a time when Mr. Ebare no longer occupied that apartment?

A Right.

Q When was that?

A And that would be at the end of the month, around the 24th.

Q Of what month?

MR. SHANAHAN: Pardon me, I can't hear this.

THE WITNESS: The 24th.

MR. SHANAHAN: Of what?

A (Continuing) I'm sorry. Well, a month later, 30 days after.

BY MR. FISHER:

Q The 24th of January, then, 1975?

- A Right.
- Q And who paid the rent for the apartment?
- A Mr. Ebare.
- Q Did he pay you directly?
- A Yes.
- Q Now, subsequent to Mr. Ebare vacating the apartment -- well, let me show you what has been marked Government's Exhibit 4, and ask you if you recognize those items.
- A These were taken out by me at the end of the 30 days, out of the apartment.
- Q And which apartment is this?
- A Apartment 4.
- Q The same one that you rented to Mr. Ebare?
- A Right.
- Q And where in the apartment did you get those?
- A All over the apartment, you know, like floor, desk.
- Q And after you got them, what did you do with them?
- A I turned them over to two -- Bob Culliver.
- Q Special Agent Culliver of the FBI?
- A Right.

MR. FISHER: No further questions.

MR. SHANAHAN: Your Honor, we have just been handed some reading material on this and I haven't had a chance to look at it. Could I just have a moment to glance over this?



THE COURT: Sure.

MR. FISHER: Your Honor, I would move the admission of this Exhibit 4 in evidence.

MR. SHANAHAN: Could it wait for just a moment for that as well?

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. SHANAHAN:

Q Mr. Eppolito, this Jamescrest Manor, that is the name of the apartment building, is it?

A Yes.

Q And what is the street address of that?

A 1072 James Street.

Q Again?

A 1072 James Street.

Q 1072 James Street, that is in Syracuse, of course?

A Yes, sir.

Q And your job was that of a building superintendent?

A Yes.

Q And were you a building superintendent in other buildings or just in this one?

A Other buildings.

Q Other buildings. How many buildings were under your supervision back in the latter part of 1974 and early '75?

A 14.



Q I beg your pardon?

A 14.

Q 14 buildings?

A Yes.

Q Well, now, was there some resident superintendent or manager at the Jamescrest Apartment building?

A No.

Q Was there anyone working with you who had similar duties to yours?

A Yes.

Q How many additional people, Mr. Eppolito?

A It would be about three other fellows.

Q Three other people. And in a general way, what were your duties?

A Collecting the rents, renting the apartments and cleaning the apartments up, getting them ready.

Q It would be your job to, perhaps advertise the apartment for rent when there were vacancies?

A Yes.

Q And talk to people who might be interested in the rental of an apartment?

A Yes.

Q This apartment building, this Jamescrest Manor has how many apartments in all?

A 14.

Q 63. Well, let me ask you, would the 14, if that is the total buildings that were under your direction, did you have an office located somewhere for your work as a headquarters for the other people who did similar work?

A No, not on the premises.

Q Well, did you have one anywhere?

A Yes.

Q Where was that?

A 2601 James Street.

Q 2601 James Street?

A Yes.

Q That would be some 10 or 15 blocks distant from the Jamescrest Manor, would that be it?

A Yes.

Q All right. And there was nobody in your employ or in the employ of the owner who was located on the premises?

A No.

Q Okay. Now, you tell us, according to your records, that Mr. Ebare rented this apartment on December 24th, 1974?

A Yes.

Q And did that come about as a result of some conversations with you, Mr. Eppolito?

A Yes.

Q And so that you were the one that showed the apartment and rented it?



A Yes.

Q Would that be correct?

A Yes.

Q Now, was this a furnished apartment?

A Yes.

Q And you say that on January 24th of 1975, a month later, that the apartment was vacant?

A Yes.

Q Did I understand that correctly?

A Yes.

Q All right. Now, during the interval from December 24th, '74, to January 24th, '75, did you observe who went in and out of that apartment?

A No.

Q Did you have any occasion to enter the apartment yourself during that month?

A Yes.

Q When would that have been?

A I don't know. I don't know the dates.

Q Sometime between December 24th and January 24th?

A Yes.

Q All right. Now, as I understand it, this Exhibit 4 that you were shown contains some articles that you say you found in the apartment sometime after January 24th of '75?

A Yes.



Q And when was that?

A I would say approximately 30 days from the 24th to the --

Q I can't hear.

A 30 days, at least 30 days.

Q 30 days from what?

A From the 24th.

Q From the 24th of which month now?

A Of December to January, the 24th.

Q Mr. Eppolito, what I am interested in, you say that the apartment became vacant January 24th, 1975?

A Yes.

Q Now, these articles that are contained in this exhibit, you said that you found somewhere in that apartment?

A Yes.

Q Would that be right?

A Yes.

Q All right. Now, what I'm trying to find out is, when was that that you found them?

A I would say January 24th.

Q Is that correct?

A Yes.

Q Now, as I understand it, on January 24th, you are telling us then that you went into the apartment for the purpose of cleaning it?

A Right.

Q And you found some papers and disarray in the apartment?

A Yes.

Q Were these papers in a wastebasket or lying on the floor, or what?

A Lying on the floor, wastebasket, on the desk.

Q All right. Now, are these, the papers contained in this exhibit, the only things you found?

A No.

Q All right. And let me ask you this then: when you did find the papers contained in this exhibit, do I understand you brought it to Mr. Culliver?

A He was right there.

Q He was there at the time?

A Right. Not in the apartment, but on the --

Q I beg your pardon?

A He wasn't in the apartment, he was outside the apartment.

Q He was on the outside of the apartment?

A Yes.

Q And, you mean inside the building, but in the hallway outside the apartment door?

A Yes.

Q Had he been into the apartment before you picked up these articles?

A Not that I know of.

Q I see. Well, let me ask you this: do you know who these

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papers belonged to?

A Not that I -- you know, I couldn't swear to who.

Q During the period of time that the apartment was rented to Mr. Ebare, you don't know who was in or out of it?

A No, I don't.

Q Now, you were apparently first contacted by Mr. Culliver on January 6th of 1975, would that be right?

A I couldn't swear to it, I don't know.

Q Well, did there come a time when you had a talk, a conversation or interview, however you want to put it, with Mr. Culliver?

A Yes.

Q And was the first time that you had such a talk with him in the early part of January of 1975?

A I really don't know the time, sir.

Q Could you tell us, was it while Ebare's tenancy was still in effect, that is, before January 24th of '75?

A Yes.

Q Would that be correct?

A You mean before he occupied the apartment?

Q No, before he left the apartment.

A Oh, yes.

Q It would be before that?

A Right.

Q Do you recall how long before that?



A No, I don't.

Q Now, in this first interview, you were asked, were you not, who was occupying that particular apartment?

A Yes.

Q And you were apparently asked whether the rent had been paid in advance?

A Yes.

Q Whether there was a security deposit made at the time of the rental?

A Yes.

Q And whether you remember seeing either Mr. Ebare or Mr. Ebare's automobile?

A Yes.

Q In the vicinity of the apartment building?

A Yes.

Q And then, was it true that you had seen Mr. Ebare there?

A Yes.

Q And you had seen his automobile there?

A Yes.

Q And what people may have visited him at that apartment, you did not know?

A I didn't know.

Q And you were apparently told by Mr. Culliver that this was all very confidential, this information that he was asking you about, would that be right?

A Yes.

Q Now, then, would I understand this correctly, that after Ebare terminated his tenancy, that is, left the place on January 24th of 1975, that you were requested then by Mr. Culliver to go in and pick up whatever you could find around the place?

A Yes.

Q And to give it to him?

A Yes.

Q Well, now, did you find various articles in addition to what we have here?

A Yes.

Q Did you give all the articles you found to Mr. Culliver?

A Yes.

Q And did he select, out of that number, what is contained in this exhibit?

MR. FISHER: Objection. He can't testify to what Mr. Culliver did.

THE COURT: Could I have the question?

(The pending question was read back by the reporter.)

Q You found a larger number of papers and refuse, generally would that be right?

A Yes.

Q Much more than is in exhibit 4?

A Yes.

Q Now, what I wanted to find out is, did you take everything that you found, out the door and give it to Mr. Culliver?

A Everything except for just trash. Everything that was left in the apartment was taken out.

Q Everything that was left in --

A Was taken out.

Q It was taken out. Now, I assume you are not talking about furnishings of any sort?

A No.

Q Whatever --

A Trash.

Q Whatever apparently had been discarded either in waste-baskets or left on tables or on the floor, even all of that was picked up by you and delivered to Mr. Culliver outside the apartment door?

A Yes.

Q And what did he do with all of this stuff you brought out to him?

A I just gave it to him.

Q I beg your pardon?

A I just gave it to him.

Q Well, did he take it all into his possession?

A I really don't know.

Q Well, did he leave the apartment building with this load



of refuse that you had given him?

A I think we discarded, you know, like coat hangers and things like that.

Q I can't hear what you are saying.

A I think we threw away some coat hooks and --

Q You threw away some what?

A Coat hangers. There was a lot of coat hooks, coat hangers.

Q Coat hangers, all right. You threw away the coat hangers. Anything else?

A I don't know.

Q Well, you concede that you delivered to him, a lot more than we have here. Did you select the items that are in this exhibit?

A Did I select?

Q Did you do it?

A All I did is clean the apartment, put it in the garbage bag and that was it.

Q Well, all right. All I'm trying to get at, Mr. Eppolito is, so the jury would have --

MR. FISHER: I object to the form of the question, it is argumentative.

MR. SHANAHAN: Well, I would like to get some understanding of this.

THE COURT: Sustained.

BY MR. SHANAHAN:

Q Well, you have a trash bag, I suppose, an ordinary trash bag. So I can get some idea of how much refuse is involved, could you tell us how much of a trash bag you had filled?

A A shopping bag, like that.

Q A shopping bag full?

A Yes.

Q All right. Now, your testimony that this stuff was gathered together by you while Mr. Culliver waited outside the door, that happened January 24th, is that your best recollection?

A Yes.

Q You made no notation at the time?

A No.

Q I would like to show you what has been marked Exhibit 3502 which would appear to be a record of an interview that you and Mr. Culliver had.

A Well, the only --

Q I haven't asked you about it yet. I just want you to look at it and see if you recognize it.

Perhaps it might be helpful if I asked you a question about it.

A All right.

Q Do you recognize that as a resume of what occurred at the



time that you gathered this discarded refuse together for Mr. Culliver?

A Yes.

Q All right. Now, I would like to call your attention at the foot of that exhibit where it says, it is printed, "Interviewed on" and then the date, "January 28th, 1975."

A Yes.

Q Would that refresh your recollection that that would have been the date that you gathered this material?

A I couldn't swear on it.

Q You couldn't swear, one way or the other?

A I really don't know what day. I know it was at the end of that month.

Q If you did gather this stuff together on January 28th, that would have been some four days then after the apartment was vacated?

A Yes.

Q Now, let me ask you: when that apartment was vacated, were the keys on something turned over to you by Ebare or by someone?

A I don't remember.

Q You have no recollection of that?

A No, I don't.

Q Would you have any recollection as to whether the keys were turned over to you before January 24th?



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A No, I don't.

Q You have told us that the apartment became vacated, Mr. Eppolito, on January 24th?

A Yes.

Q Now, let me ask you, does that mean simply that the rent was paid to January 24th?

A Yes.

Q So that you don't mean to tell us that it was occupied to that date, you wouldn't know?

A No.

Q You wouldn't know one way or the other. It might have been vacated on the 15th of January, the 20th, or anytime, correct?

A Yes.

Q All right. Now, when you were in the apartment tidying it up and bundling up the refuse, was there any telephone in that apartment?

A I don't remember, I don't remember.

Q All right. Well, in addition to the contents of this exhibit -- well, first of all, let me ask you: there would appear to be some writing on various pieces of paper that are included in that exhibit. Could you know whose writing that is?

A No, I don't.

Q You don't know?

A No.

Q All right. And then were there other articles like sections of a Sunday newspaper, a bottle of perfume, things of that nature that were --

A A towel.

Q Pepsi Cola bottles, all of this stuff was put in the bag and that would be all you know about it, Mr. Eppolito?

A Yes.

Q Would you know, Mr. Eppolito, during this period from December 1974 to January 24th, I guess it was, '75, if anybody else had access to that apartment?

A I wouldn't know.

Q Were any other keys given out by you?

A Only one set of keys.

Q Would your records show when the keys were surrendered to you, if they were?

A No.

Q The book that you brought with you, as I understand it then, was simply had to do with the --

A Rent.

Q The rent covering what period of time?

A From the 24th of December to the 24th of January.

Q Did you yourself have any conversation with Ibare on January 24th of '75?

A I couldn't hear.



Q You wouldn't have any recollection?

A No.

MR. SHANAHAN: Okay, that's all.  
So far as Exhibit 4 is concerned, your Honor, I  
would object to it on the ground that no proper  
foundation has been laid for it.

THE COURT: Let me see it.

(Handing to the Court.)

THE COURT: Your objection is overruled,  
Mr. Shanahan.

MR. SHANAHAN: Yes, sir.

THE COURT: We will take our afternoon  
recess at this time.

(After a recess, the proceedings  
continued as follows:)

THE COURT: All right, be seated.

MR. FISHER: Your Honor, I believe  
Mr. Eppolito was still on the stand.

I don't have any further questions.

MR. SHANAHAN: I have just one other.

MR. FISHER: I'm sorry, your Honor,  
he was under the impression that he was excused.  
But we will call him back tomorrow.

MR. SHANAHAN: well, if he is not  
available right now, that's all right, your Honor.



I probably should have let Mr. Fisher know and I didn't realize that he was gone.

THE COURT: If you wish him recalled, you may do so.

MR. SHANAHAN: Yes, your Honor.

THE COURT: Let me know.

MR. FISHER: The Government calls Mr. Keller.

JAMES D. KELLER,  
having been called as a witness in behalf of the Government,  
was first duly sworn according to law and testified as follows:

DIRECT EXAMINATION

BY MR. FISHER:

Q What is your address, Mr. Keller?

A 305 Corless Road.

Q And what is your occupation?

A I am an antique dealer.

Q How were you occupied in 1974 and 1975?

A Automobile dealer.

Q What was the name of your business, if any?

A Jim Keller's Used Cars.

Q Now, are you acquainted with a man named Samuel Ebare?

A Yes.

Q And do you see Mr. Ebare in the room today?

A Yes.

Q Could you point him out for us, please?

A The man on the end over there.

THE COURT: Let the record reflect he has identified the defendant.

Q And are you acquainted with the defendant, Raymond Czerwinski?

A Yes.

Q And do you see him in the courtroom today?

A Yes, next to Sam.

Q The gentleman --

THE COURT: Which one, from the left or right?

THE WITNESS: Second man from the left, right, standing.

THE COURT: Let the record reflect he has identified the witness. Proceed.

Q Now, during 1974-1975, did you place bets on the outcome of sporting events with anybody?

A Yes, I did.

Q And who did you place bets with?

A Ray -- how do you pronounce it, Czerwinski?

Q Czerwinski?

A Czerwinski.

Q Do you address Mr. Czerwinski by nickname?

A Baloy.



Q To your knowledge, do others address him by the nickname Baldy?

A I believe so.

Q And during this betting period, approximately how much did you bet on a weekly basis with Mr. Czerwinski, or give us a range, if you can.

A I have been trying to search that over in my mind. Maybe a couple hundred, 300, sometimes.

Q Per week or per bet?

A I'm not really positive on the amounts that I bet.

Q All right. And were these bets on what, football games?

A Yes, sir.

Q And basketball?

A No.

Q And did you use a line information, did you use a line to place these bets?

A By line, you mean a point per team?

Q Point spread, yes.

A Yes.

Q And where did you get the point spread?

A I believe I get them from Baldy.

THE COURT: I'm sorry, I couldn't hear the answer.

MR. FISHER: He said, I believe I got it from Baldy. Baldy, referring to Mr. Czerwinski.



THE COURT: All right.

Keep your voice up. Don't mumble. Let everybody hear you.

BY MR. FISHER:

Q How did you place these bets, by telephone, or in person or --

A A little of each. Sometimes by telephone, sometimes in person.

Q Did you sometimes bet several hundred dollars in one game?

A Again, I can't recollect the exact amounts. I just -- maybe a hundred or so per game.

Q Well, showing you Exhibit 3529 at page 6, I will ask you to read that and see if that refreshes your recollection.

A What did you want me to read?

Q Right there (indicating).

A Yes, that is very possible. I just don't recollect at this time the exact amounts. It has been a year and a half now.

Q Well, does the grand jury testimony refresh your recollection?

MR. SHANAHAN: May I have that answer, please? I'm sorry to interrupt.

MR. FISHER: He said he doesn't recollect, it has been more than a year.

Q Are you saying that the grand jury testimony does not

refresh your recollection, or does?

A It does, yes, but I don't recollect three or four hundred dollars on one game. I know I bet sizeable amounts of money, 100, 200. I'm not exactly positive. If you want honest answers, I am trying to give them to you.

Q But your testimony before the grand jury was in May of 1975, is that correct?

A That's correct.

Q Would you say your testimony then is fresher closer to the events than today?

MR. SHANAHAN: Objection as argumentative and not proper direct.

THE COURT: Overruled.

BY MR. FISHER:

Q So that it is probably more accurate what you said to the grand jury?

THE COURT: Sustained.

Q Now, in your arrangement with Baldy, do you know what vigorish is, or vig?

A I believe we went over that last time I testified. I was just reading it again, and I am still not familiar with it, no.

Q You don't know the term vig?

A Would you explain it to me, please?

Q No. Let's take these, one question at a time.



A Okay.

Q Mr. Keller, was there a surcharge or an extra amount of money paid on losing bets by you to Mr. Czerwinski?

A You mean was there interest charged or was there --

Q I will give you an example. If you made a \$100 bet with Mr. Czerwinski -- first of all, would you put the money up front or would he take your credit?

A If I put the money up front, it would cost me \$110 to win \$100.

Q In other words, what if you lost that \$100 bet, how much would you have to pay?

A \$110.

Q And if you won that \$100 bet, how much would you collect?

A \$100.

Q Now, did you ever place any bets with the Defendant Ebare?

A No.

Q By the way, were you acquainted with the defendant, Michael Beach, Richard Michael Beach?

A Yes.

Q Do you see him in the courtroom?

A Yes.

Q Would you point him out to us, please?

A Third from the left.

THE COURT: Let the record reflect he has identified Mr. Beach.

Q Now, during the fall, football season, 1974-75, did you lose a quantity of money on betting?

A Yes, I did.

Q Approximately how much did you lose?

A Approximately \$1600.

Q And were you able to pay the \$1600?

A No.

Q Now, what did you do about this debt?

A I tried to make arrangements to pay it over a period of time.

Q Did you ask Mr. Czerwinski that you wanted to discuss the matter with the Defendant Ebare?

MR. PAPPAS: Objection.

MR. SHANAHAN: Objection.

THE COURT: Sustained.

BY MR. FISHER:

Q Mr. Keller, did you ever have a discussion with the Defendant Czerwinski about the \$1600 bet?

A Yes, I did.

Q And what did you say?

A I said it would be difficult for me to pay it at that time and I would like to pay it over a period of time.

Q And what did he say, do you recall?

A No.

Q Did you say anything else to Mr. Czerwinski at that time?

A Concerning --

Q Concerning this debt.

A I said I would like to talk to Sam Ebare.

Q And what did you say you wanted to talk to Sam Ebare about?

MR. SHANAHAN: I would suggest, your Honor, that we ought to have the conversation more in the form of questions that we have here.

THE COURT: Yes.

BY MR. FISHER:

Q Do you recall what else you said to Mr. Czerwinski?

A I just told him that I wanted to see Sam.

Q What did he say? Did he say yes, no, you can or you can't? What did he say?

A I really don't remember his reply. I mean, you're talking about a year and a half ago. I can't remember, honestly, his reply.

THE COURT: Oh, give us your best recollection.

A He would see what he could do.

Q Did you tell Baldy or Mr. Czerwinski that -- did you explain to him why you wanted to talk to Sam Ebare?

A I don't believe so, no.

Q Now, ultimately, did you talk to Sam Ebare about this debt?

A Yes, I did.



Keller, by the Government, direct

Q And approximately when was that?

A January '75, I believe it was.

Q Do you recall where?

A Yes, my car lot.

Q And was anybody else present besides you and Mr. Ebare at this discussion?

A Mike Beach.

Q Now, could you tell us what you said to Mr. Ebare during this discussion?

A I said that I had made some bets with Baldy and I would like to make arrangements to pay them over a period of time.

Q What did Mr. Ebare say?

A Something to the reply of, why did you call me here?

Q And what did you say?

A I thought that he was the man to talk to.

Q What did he say?

A I think he told me to take it up with Baldy.

Q I am going to show you the bottom of page 16 and the top of page 17 of your testimony, and see if that refreshes your recollection.

A Right, okay, this part.

Q Okay, let me ask, does that refresh your recollection?

A This here down here, this is what you want me to read?

Q And the top of page 17.

A Okay.

Q Does that refresh your recollection?

A This is what you want me to read, right here?

Q And this. Does that refresh your recollection?

A Yes.

Q Okay. What did Mr. Ebare tell you at that time?

A To see Baldy.

Q On a time basis?

MR. SHANAHAN: I object to counsel's  
supplying part of an answer.

THE COURT: Sustained.

Strike it out.

BY MR. FISHER:

Q All right. And does that refresh your recollection as  
to anything else Mr. Ebare said? Would you like me to  
show it to you again?

A Yes.

Q Does that refresh your recollection?

A He said that if I would have won, I would have been paid.

MR. SHANAHAN: I didn't hear it, I'm  
sorry.

(Pending answer was read back by the  
reporter.)

MR. FISHER: No further questions.

MR. SHANAHAN: Your Honor, we were given



just before the recess, some reading material that consists of some 40-odd pages. I tried to read it during the recess and I haven't been able to complete it.

Now, I will do whatever your Honor suggests. I will start now and go along until recess time, or whatever you propose.

THE COURT: Well, we only have another 20 minutes, Mr. Shanahan.

MR. SHANAHAN: If your Honor would permit me, then after I have had a chance to read the balance of this --

THE COURT: How long do you think it will take you to read it?

MR. SHANAHAN: I haven't any thought. It probably will take 10 or 15 minutes of cross-examination.

THE COURT: Where is this witness from?

MR. FISHER: Syracuse, your Honor.

THE COURT: I guess we would have to call him back tomorrow anyway.

MR. FISHER: I don't know, your Honor.

THE COURT: We will excuse this witness until tomorrow morning at 10 o'clock.

Put on another witness.

Please give counsel all the reading material you have in your possession tonight.



MR. FISHER: Yes.

THE COURT: Give them all the 3500 material tonight so we don't encounter these delays.

MR. FISHER: Yes, sir.

THE COURT: It is perfectly absurd.

THE WITNESS: May I say something as a witness? If I have to testify tomorrow morning, can I also have sufficient time to read my testimony from the grand jury?

MR. FISHER: Of course.

THE COURT: Sure. You are excused until tomorrow morning at 10 o'clock.

MR. FISHER: The Government calls James Supan.

JAMES R. SUPAN,  
having been called as a witness in behalf of the Government,  
was first duly sworn according to law and testified as follows:

DIRECT EXAMINATION

BY MR. FISHER:

Q What city do you live in, Mr. Supan?

A Las Vegas, Nevada.

Q What is your occupation?

A Special agent of the FBI.

Q How long have you been so occupied?

A Six and one-half years.

Supan, by the Government, direct

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Q Now, on January 4th, 1975, did you have occasion to be on duty and conduct a surveillance?

A Yes.

Q Did you bring your notes or report of that surveillance with you today?

A Yes.

MR. FISHER: Counsel, that is Exhibit 3503.

Q Now, are you going to use your notes to refresh your recollection as to what you did on that date?

A Yes.

Q Could you tell us what you did and what you saw?

A On January 4th, 1975, myself, along with about four other FBI agents went to the Flamingo Hotel, which is a hotel casino on the Las Vegas Strip, and we were told at approximately 2 o'clock an unknown individual would be paged at the hotel for the purpose of transmitting line information out of state.

So, at approximately 2 o'clock, I was in the hotel lobby area located right by the telephones and I was at a public pay telephone, which is an open telephone booth, and approximately that exact time, an individual walked up to my right and started using a house telephone at the same area, and he called the operator and he said his name was Eddie Miller, and he had just been paged, then he started talking, and I overheard him say the



following: "Florida 18, 4; Penn State 16, 11; Kent 19, Memphis 6; Syracuse 8, Alabama 10; Tulsa 7, Loyola 5, Miami 5, Oklahoma City 7, 5; Colorado State 13, Utah 10; UCLA 15, Southern Cal 11. All right. 9:30, 445-7153."

Q Now, Mr. Supan, did you remember all this or were you taking notes at the time?

A I took notes.

Q Okay. And when you prepared this report, did you use your notes?

A I did.

Q And then what did you do with the notes?

A I have them here in my possession.

Q Now, what you have just told us, the quotes that you wrote down, was that every word that was said by this individual?

A That was all that I could hear and record. I'm sure there was other things said, but I could not get it all.

Q Now, after that telephone call, what did you do and see?

A I continued to observe this individual. He left the area of the telephones and walked over to a poker area in the casino which is right adjacent to the hotel lobby, and at about 2:05 p.m., he arrived there and he sat around the area and talked to people and watched television, and so forth. And at 2:35 he got up and left the area, walked in the casino, and about three or four minutes later he came back to the poker area and we continued to



watch him during this period, and at 2:45 p.m. he left the casino, went to the parking lot and got into an automobile, and we were able to obtain his license number which was --

Q All right. And he drove off, is that right?

A Yes.

Q Now, approximately how much distance was between you and this individual when you were writing down this information, do you recall?

A About six feet.

Q And what was between you and the individual?

A I believe one or two additional house telephones. There is a bank of phones there and he was on one, I was on the other.

Q Was anybody using either of those phones?

A There was an individual on my left. There was no one on my right between myself and the individual I was over-hearing.

Q Now, the individual you have talked about who made that telephone call, do you see him in the courtroom today?

A Yes, I do.

Q Could you point him out to us, please?

A The gentleman here in the light gray suit.

MR. FISHER: Let the record reflect the Defendant Camerano has been identified.

THE COURT: Yes.

MR. FISHER: Your witness.

MR. SHANAHAN: I have nothing.

CROSS-EXAMINATION

BY MR. RINALDI:

Q Officer -- what is it, Supan?

A Supan.

Q Officer Supan, have you been on duty in Las Vegas for six and a half years?

A No, sir.

Q Let me ask you this: are you familiar with the Churchill Downs book?

A Yes, sir.

Q And have you had an opportunity to observe that particular operation on different days a week?

A Yes, sir.

Q And that is a legal activity, is it not?

A Yes, sir.

Q All right. Now, you said that you received a call on January 4th, 1975, regarding a person coming into the hotel and making a phone call, is that correct?

A I did not receive a call. The case agent received a call, but I was with four other agents who were informed that a certain individual would receive a call at the Flamingo Hotel around 2 o'clock, so I was with four other



individuals.

Q Did that call come from Syracuse?

A I do not know where it came from.

Q In other words, you were just working along with three other fellows on this?

A Yes, sir. Four other fellows.

Q All right. And were all five -- did you all take up different places of surveillance in the hotel?

A We tried to locate all the public pay telephones and hotel house phones, and tried to cover the area. That was our plan, that is what we did.

Q Had you had any other information or a photograph about this particular individual that you were looking for?

A No, sir.

Q Well, how did you recognize this unknown male who you didn't know initially?

A I didn't recognize him.

Q Well, in other words, you were stationed at this particular public phone section, is that it?

A There is a bank of phones. I'm not exactly sure how many there were, maybe eight or ten. There was some public pay telephones. They are open, they are not closed, they are not private, and just adjacent to them there are four or five hotel phones where you can take pages from the hotel. The operator will call in and you can answer the

Supan, by the Government, cross

phone and say, I am so and so, I have just been paged,  
connect me to my party.

And so --

Q I'm sorry, go ahead.

A So I was at the middle public pay telephone, right  
adjacent to the house phones.

Q All right. And you were just waiting?

A Waiting.

Q All right. Now, had you known of any name that your --

A No, sir.

Q Well, let me ask you this: is it common or uncommon for  
people to carry on the same conversation that you heard  
in Las Vegas over a telephone?

A It is common.

Q It is very legal, isn't it?

MR. FISHER: Objection, conclusion.

THE COURT: Sustained.

BY MR. RINALDI:

Q Well, I take it from what you told me then, Mr. Supan,  
that you weren't particularly looking for any person by  
the name of Eddie Miller?

A No, sir.

Q All right. And what you are telling us today then is  
that while you were there, you heard the name Eddie Miller  
and you identified this gentleman in the gray suit as



being that person who made that phone call?

A He received a telephone call.

Q Yes. Well, why is it that you were paying so much attention to him?

A I was at that particular area and I was listening to pages, which are very common in hotels, and when this page came in, 2 o'clock, I saw this gentleman walk up. He had a line sheet in his hand. He went right to the telephone and he started reading this information off, and I knew that if he wasn't the man, he was -- a guy doing the same thing with someone else.

Q Had you received this information from some other destination, that a person would be doing this at 2 o'clock?

A Yes, sir.

Q And had that information come from outside the state?

A At that particular time, between 2 and 2:05 I was using that pay telephone that I was at, talking to my office in Las Vegas who had patched me in through to Syracuse and I was talking to an agent in Syracuse at that particular time and he told me that between 2 and 2:05 p.m. that same day, they were observing Joseph D'Agostino in a phone booth in Syracuse, New York. That agent was Mr. Cook that I was talking to on the telephone.

Q Are those notes that you took on that particular day?

A I have them here.

Q Yes. May I see them for a minute, please?

A (Handing.)

MR. RINALDI: May I look at these,  
your Honor?

THE COURT: Yes.

(Mr. Rinaldi looking at notes.)

BY MR. RINALDI:

Q Did you, yourself, hear a page for Eddie Miller?

A Yes, I did.

MR. RINALDI: Can I just take a minute  
with these, Judge?

I want to show these to --

(Showing to other defense counsel.)

Q That space where you were located, Mr. Supan, you say  
there are approximately eight telephones in this area?

A The best that I can recall, there is approximately eight  
telephones.

Q And where were the telephones located in the hotel itself?

A As you walk in the front door of the Flamingo Hotel,  
to your immediate left, by the bell captain's desk, there  
is this row of telephones, the house telephones and the  
public pay telephones.

In January, 1975, that is where they were  
located.



Q Would you explain, what do these physically look like, how large are they, how big are they, are there any partitions between them?

A The only partitions were small partitions, would be maybe a foot and a half tall and maybe six, eight inches wide between the phones. It is not an enclosed area, it is not private and I don't think there are any partitions between the house telephones. I can't remember.

Q All right. I think you told us that --

A There was a counter area below.

Q I'm sorry?

A There was a counter area. I laid my notes on there and I was writing as I was listening.

Q And you say that you were approximately six feet away from where this unidentified male at the time was receiving the call?

A Yes, sir.

Q And was he to your right or to your left?

A To my right.

Q How many additional phones were there between you and where he was making the phone call?

A The best that I can recall, two.

Q How wide would they be?

A I imagine about two feet per phone.

Q All right. And there were no persons in between you?

A No, sir.

Q Now, you say that you jotted down the notes on the cards that you handed me a few minutes ago, and I think you also stated this was all you could hear.

Was there any other conversation took place besides what you have told us about?

A I am sure there was, but that's all I could hear and write down at the same time.

Q How long was he on the phone, do you know?

A My records indicate he was at the telephone between two and 2:05 p.m.

Q Do you have any knowledge at that time as to where that person was making the phone call to?

A No, sir.

MR. RINALDI: That's all I have.

THE COURT: All right. We will recess now until tomorrow morning at 10 o'clock. Don't talk about the case; don't let anybody talk with you about it. Good night.

(Proceedings were adjourned.)



JUNE 23, 1976

THE COURT: Good morning.

MR. FISHER: If the Court please, I have a couple of brief matters.

First, I would move to unseal the original tapes so the Clerk can mark them as an exhibit.

THE COURT: Motion granted. \*

MR. FISHER: Secondly, your Honor, I have one exhibit that I would like to introduce, which is a simple telephone toll record I want to introduce as part of our stipulation. But one of the six defense attorneys won't stipulate to it, and it would require a witness from the Phone Company in Las Vegas to come out and testify.

THE COURT: Just a minute. Which one won't stipulate it?

MR. RINALDI: Me, your Honor.

THE COURT: Would you stipulate that if this witness were called, he would testify that this is a record kept in the regular course of business and that it is part of their business to keep such records, would you stipulate to that?

MR. RINALDI: If he were to appear here?

THE COURT: If he were to appear.

MR. RINALDI: All right, I stipulate.

THE COURT: All right, that lays a foundation for its admission.

MR. FISHER: Thank you, your Honor.  
That's all I have. I am ready.

(James R. Supan resumes witness stand.)

MR. RINALDI: May I continue, your Honor?

THE COURT: Yes, certainly, Mr. Rinaldi.

CROSS-EXAMINATION (Cont'd)

BY MR. RINALDI:

Q Mr. Supan, yesterday there were several things that were unclear to me, and I am sure probably to the Court and jury.

MR. FISHER: Objection.

THE COURT: Just ask the questions, Mr. Rinaldi.

Q Yesterday on direct examination you testified, you made reference to certain documents you are holding in your hands.

A Yes, sir.

Q May I look at them, please? I looked at a couple but I didn't have an opportunity to view them all.

A (Handing.)

Q And these are all that you made reference to?

A These are my notes here which I used, I made off those rough draft notes. This is identical to that.



Supan, by the Government, cross

Q Can I look at it, please?

A Yes.

MR. RINALDI: Judge, may I take just  
a minute?

THE COURT: Sure.

(Mr. Rinaldi looking at document.)

Q Mr. Supan, what time did you arrive at the Flamingo on  
January 4th, 1975?

A The exact time I don't know, but before 2 o'clock.

Q How long before 2 o'clock?

A I could estimate an hour, but I am not sure.

Q Pardon me?

A I said I could estimate an hour, but I am not sure.

Q I think you told us that you arrived with three other  
agents?

A Four.

Q Four other agents. And let me ask you, are you right-  
handed or left-handed?

A Right-handed.

Q And do you wear a watch, sir?

A Yes, sir.

Q And on which hand do you wear the watch?

A Left.

Q All right. Now, tell me exactly what you did when you  
arrived there approximately an hour before 2 o'clock.

- A I was with four other agents. We came, probably, in three or four different cars, and I was told by the case agent --
- Q I am asking you not what you were told, but what you did when you arrived at the Flamingo.
- A I just waited around the casino and hotel until approximately before 2 o'clock, and I took up a position by the telephones.
- Q All right. So, if my understanding is correct that you arrived there sometime an hour before 2, walked in and you just sat down somewhere?
- A No, I just roamed around.
- Q Just roamed around the hotel. And there came a time when you went to this bank of phones that you described to us on direct examination?
- A Well, if the call was coming in at 2 o'clock, I was probably in that area by 1:30. I'm not sure of the time.
- Q You were expecting a call?
- A We had information from the Syracuse division that a phone call would be coming in at 2, so I was there in plenty of time.
- Q In other words, you had some information that a phone call was coming to the Flamingo Hotel at 2 o'clock?
- A Yes, sir.
- Q All right. Let me ask you, where were the other four



Supan, by the Government, cross

agents in the vicinity of 2 o'clock?

A Their exact place, location, I do not know.

Q Pardon me?

A I don't know what their exact location was. Our plan was to try to cover all public telephones and page telephones in the hotel, so my position was there by the front door. Where their positions were, I don't know.

Q All right. And in the bank of phones that you made reference to, how many public phones were there?

A As best I can recall, approximately four.

Q And how many house phones?

A Approximately four.

Q And they were adjoining each other?

A In one continuous row.

Q All right. And it was my understanding that this person whose conversation you overheard was at one of the house phones?

A Yes.

Q Well, sometime near 2 o'clock you went to this bank of phones that you were designated to go to?

A Yes.

Q And awaiting a call from Syracuse?

A (No response.)

Q Yes or no. It is very simple.

A I went to the phone area --

Q I'm not asking you for an explanation. I think it just requires a very simple yes or no.

THE COURT: Please listen to the question and answer it, but don't go off the question.

A No.

Q All right. And there came a time when you did go to the public phone?

A Yes.

Q All right. And was this precisely at 2 o'clock or sometime before?

A Before.

Q How long before?

A Approximately 10 minutes.

Q All right. And when you went to the public phone, were you at the phone proper or were you in the vicinity?

A I was at the phone.

Q All right. And if you were facing this bank of phones, Mr. Supan, would it be safe to say that you were facing the four public phones on the left or the four public phones on the right?

A If I were facing the bank of phones, I was at the public phone at the right of the four public phones, so the other three were at my left.

Q Pardon me?

A I was at the public phone on the far right, so the other



three were on my left.

Q All right. And then where were the four house phones?

A On my immediate right.

Q Would that be closer to the entrance to the hotel or closer to where the reservation desk and the bell captain are located?

A The entrance and the bell captain.

Q All right. And would you give me a physical description of the man that you saw and whose conversation you overheard?

A He is about six feet one, about 35 years of age, 170 pounds, he had dark brown, collar-length hair, longer than it is now.

Q When you went to that particular phone, Mr. Supan, did you pick it up?

A Yes.

Q And you picked up, I think you told us, the third phone from the left of the four public phones that were situated there?

A I used the public phone on the far right.

Q Well, just so I am not confused, I think you told me as you faced them there were four?

A Yes, the best I can recall, there were four public phones and four house phones.

Q And you were on the extreme right public phone?

A Yes.

Q Is that a coin phone?

A Excuse me?

Q Is that a coin phone?

A Yes.

Q Did you make a phone call yourself?

A Yes.

Q And I assume that you used your own money to make that phone call?

A Yes.

Q And some of the exhibits that you have got in front of you such as those three by five, or two by five white sheets of paper, you had on your person?

A Yes.

Q Were they on your person or in some other place?

A My pocket.

Q Your pocket, all right. And I take it that whomever you dialed, you must have been in some communication, telephonic communication with that person?

A Yes.

MR. RINALDI: That's fine. Thank you.

MR. WEINSTEIN: I have no questions of this witness, your Honor.

MR. PAPPAS: I have no questions.



## CROSS-EXAMINATION (Cont'd)

BY MR. RYDELEK:

Q Agent Supan, you stated yesterday that you were in the Vegas area for about six and a half years?

A Five and a half years.

Q Five and a half years. And were you on gambling surveillance, or what type of duty, just generally, FBI duty, or mostly gambling?

A I worked gambling for the last five and a half years.

Q Now, you are familiar then with the strip area of Las Vegas?

A Yes.

Q Do you know what that means? Will you tell this jury what the strip area is, what does it consist of, generally?

A The strip area consists of a street called Las Vegas Boulevard South. It runs from the intersection of Sahara Avenue south, to the city limits of Las Vegas, and on that strip there are several major hotels and casinos.

Q And the Flamingo that has been mentioned is one of these hotels?

A Yes.

Q That is one of the bigger hotels and casinos in Las Vegas?

A Yes.

Q Now, by the way, do you remember what day of the week it was on January 4th, 1975?

A Saturday.

Q Saturday?

A Yes.

Q And you said that this surveillance was around 2 o'clock on a Saturday afternoon, is that correct?

A Yes.

Q Now, you are familiar with the gambling laws as far as the State of Nevada is concerned?

A Yes.

Q And I think you said yesterday to Mr. Rinaldi that it was a common thing for people to take a betting line and to make telephone calls or to talk about it in the city, would that be a fair statement?

A It is common among certain individuals.

Q Right, but --

A Not the general public.

Q But it wouldn't be unusual for somebody to come out of the Churchill-Downs, for example, to have a line and to go to one of the telephones and be calling or talking about a betting line, that is not unusual, is it?

A No.

Q All right. And as a matter of fact, are there some seven public telephones in front of Churchill-Downs?



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A No.

Q How many?

A I believe there are two directly in front of Churchill-Downs.

Q Well, if you walk south of Churchill-Downs, are there other telephone booths out in open view, many of them?

A If you walk down the strip several miles, there are pay phones, but --

Q All right, I will withdraw that question.

Tell us, what is Churchill-Downs, what do we mean by that?

A Churchill-Downs is a licensed sports and race book.

Q Where is it located with respect to the strip, approximately?

A The approximate address is in the 3600 block on Las Vegas Boulevard South. It is located nextdoor to the Latin Hotel casino and across the street from the Dunes Hotel casino.

Q To be more precise, would it be correct to say that it is a block north of the Dunes?

A It is about a quarter of a block south of the Dunes.

Q Or south of the Dunes. And a quarter of a block that you describe here is probably a couple hundred feet, at least?

A Approximately.

Q And it is down, going in the direction of the Flamingo?

A No.

Q From the Dunes?

A The Flamingo is north of the Dunes and north of Churchill, approximately.

Q Going in the direction of the Flamingo, it goes -- the direction that I am talking about from the Dunes, goes towards the Flamingo Hotel?

A Yes.

Q Is that right?

A Yes.

Q Will you explain what the inside of Churchill-Downs looks like?

A Churchill-Downs is divided into two parts. As you walk in the immediate front door, on the left there is what they call a sports book. It is where they take betting action on all sports except horseracing.

Q Let's stop there. Now, would you say that the main room as you walk in is as big as this courtroom?

A No.

Q Maybe half as big?

A Maybe a third.

Q All right. And is it as wide as the width of this room?

A Approximately.

Q Approximately?

A Approximately.



Supan, by the Government, cross

Q And do they have, as you walk in, do they have blackboards as you walk in, to your left, do they have blackboards on that wall that we are describing?

A The last time that I was in there, there were blackboards on the north wall of the book.

Q And how big are these blackboards, approximately?

A They are approximately three or four by eight. It covers up the whole wall.

Q And what information do they put on those boards?

A Depending on the season and type of games that are being played, they put the names of the teams in order on the board, and also the names of pitchers if it is baseball season, and they would put the odds up there.

Q In other words, that is a source of a betting line, betting line information in the City of Las Vegas?

A Yes.

Q And what time do they usually open up in the morning, do you know?

A Depending on the season, again, baseball season, they open earlier. I am not sure of the exact time, maybe 8, 8:30. Football season is a little bit later, 10 o'clock or 10:30.

Q So they are open quite early in the morning, and isn't it true that there are many people in and out of the place all day long?

A It is a public business.

Q Right. And people copying a line down or taking a line and --

A Yes.

Q And then walking out of the place?

A Yes.

Q Now, the other half of Churchill-Downs is a horse room?

A Yes.

Q Okay. By the way, this is all legal in the State of Nevada?

MR. FISHER: Objection. He asked him if this is all legal.

THE COURT: Sustained.

BY MR. RINALDI:

Q If someone went in to Churchill-Downs, copied a line down and went out to, say, to one of the public phones which are on the street immediately in front of Churchill-Downs, he got on the phone and dialed a number and started discussing a line, do you claim that that is necessarily an illegal telephone call?

MR. FISHER: Objection. That is the same question.

THE COURT: Sustained.

Q Is it a fact, Officer, that some of these casinos also have a sports book?

A Yes.



Q A board in operation?

A Yes.

Q And that they did, back at the time that we are talking about, January of 1975?

A Yes.

Q And when I use the word casino, I am referring to this general area where the Flamingo is located, the strip.

A Yes.

Q With respect to the Flamingo, would it be fair to say that that hotel has got at least 500 rooms in it?

A I do not know.

Q It is a large hotel?

A It is a large hotel.

Q A large casino?

A Large casino.

Q Now, these pay telephones and the telephones that you described to Mr. Rinaldi, did I understand you to say that they are not in a booth, they are in a line and they are sort of all in one area together, open?

A They are not in booths. They are in a line. It is a bank of phones. The best I can recall, there were eight, one right after another, right down the line. There is a little counter right underneath them, and the privacy is minimal.

Q And are there some small plastic partitions between each

telephone?

A The best I can recall, there were, between the pay telephones.

Q Right. In other words, where you were, there were some partitions on either side of you, and would it be fair to say that these booths are about three feet wide for each telephone?

A I don't know. I can recall about two feet.

Q Fairly close together?

A Yes.

Q And they do have a plastic partition where the telephone is between the two plastic partitions, is that correct?

A I cannot recall.

Q Is there a place for you to sit down when you go to that particular telephone?

A No.

Q You have to stand up?

A Yes.

Q And the counter that you are describing is perhaps a little wider than the counter in front of the jury box?

A Approximately that wide.

Q And the telephone instrument is one that would take coins, is that correct?

A That would not take coins.

Q It would take coins where you were?



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A The one I was using is a public pay telephone.

Q And how large was that telephone instrument?

A It is just a normal public pay telephone instrument.

Q How wide is it, approximately?

A Eight inches, I imagine.

Q And how long would that telephone be, about that long, maybe 18 inches?

A Approximately.

Q And probably six or eight inches deep?

A Approximately.

Q And located in the booth between these partitions over the counter you are talking about?

A Yes.

Q Now, how high would you say that the booth was from the floor to the top of the booth and where you are talking, standing up?

A I am five feet eight inches, and I looked directly at the telephone standing up.

Q In other words, your head is almost over it?

A Looking directly into it.

Q Right. It doesn't go up much higher then?

A No.

Q Officer, I didn't hear everything you said yesterday. I think you said that the main desk of the Flamingo is to the right of where these telephones were, is that

Supan, by the Government, cross

correct?

A The main hotel desk at that time was located right inside the front door. You walk in the front door of the Flamingo, immediately to the left, and the area is the hotel desk, but before you get to the hotel desk, there is a corridor on your immediate left where the bell captain is and in this corridor is where these telephones are located.

Q In other words, you were right up in the area where the bell captain's desk is located?

A In the vicinity.

Q And then possibly 10 or 15 feet to the right of that or to the left, as you are describing, was this main desk for the hotel?

A The bell captain's desk would be right inside the front of the door, on the left, and if you sit at his desk and look straight ahead in an easterly direction, the hotel desk is the far end of the casino.

Q How far away from the bell captain's desk were you located at this telephone?

A Approximately 20 feet.

Q And how far away from the bell captain's desk was Mr. Camerano when he allegedly picked up the phone and answered the page?

A Approximately 15 feet.



Q Then you were about five or six feet away from him in your little booth?

A Yes.

Q Right. Now, is it a fact, would it be fair to say that you were within 40 feet of the main desk where you were sitting?

A I imagine. I don't know exact distance.

Q But not any more than that? In other words, you were not out in the left field, you were near the main desk when all this occurred?

A In the vicinity.

Q Right. And to get back to the baggage area, what was happening around that baggage area, was there a bell captain there?

A I cannot recall.

Q Saturday at 2 o'clock it is probably a little busy. Were there people around picking up luggage, bellhops and people checking in and out?

A I assume so, normal hotel business. I can't recall exactly.

Q And by the same token, at the main desk on a Saturday at 2 o'clock, there would be people picking up keys, checking in, checking out, some activity at that main desk, is that correct?

A I do not know.

- Q How many times during your five-and-a-half-year stay in Vegas had you been in and out of the Flamingo?
- A Numerous times.
- Q Where is the slot machine area in the Flamingo?
- A The best I can recall, last time I was in there, as you walk in the front door of the Flamingo, there are slot machines just south of the main hotel desk area, and there are also slot machines in the southeast part of the casino area.
- Q All right. And then as you walk through and go past the slot machines, you will hit the casino area, is that correct, just generally?
- A The casino area is right inside the front door on the right-hand side, and the hotel area is on the left-hand side, so it all runs together.
- Q And would it be fair to say that these slot machines are located within 40 or 50 feet of where these telephones are?
- A Approximately 100 feet.
- Q All right, 100 feet. And then the casino is immediately to the right of that, maybe within another hundred feet?
- A 100 feet, 150 feet.
- Q Or less? 100 feet is quite a bit of space to give up for the area that I am talking about.
- A Well, the phones we are talking about are around the



corner from the main desk, so the main desk was not visible to me. It is around the corner, and the casino is around the corner, so I could not see the casino or the main desk.

Q Let's understand this. These phones are not in a separate room?

A No, they are in the hallway.

Q And it is open to the area that you are describing, the desk, the bellhop's desk, the slot machines and the casino, you can see it all from those telephones, is that correct?

A No. From those telephones, I could see the bell captain's desk, the entrance to the hotel, but I could not see the main desk area or the casino itself around the corner.

Q By the way, with respect to this slot machine area, how many slot machines would you estimate that there are in the Flamingo?

A I have no idea.

Q Well, would it be fair to say that there are at least 200 of them?

A I do not know.

Q And would it be fair to say that these slot machines are designed to be noisy, have lights on them and to make a lot of racket, especially if somebody is lucky enough to hit a jackpot, is that correct? They have lights going up and down and sirens and bells when somebody makes a win

of 10 or 15 coins, is that a fact?

A Not in the Flamingo. In some of the cheaper casinos they are fixed like that.

Q In fact, on any slot machine in any casino in Las Vegas, wouldn't that be a fair statement?

A I imagine. I don't --

Q Okay.

A I don't hear them.

Q Now, as you enter the main lobby of the Flamingo, are there any shops or stores in the immediate area where you are talking about?

A I believe so.

Q Is there a cigar stand, tobacco stand there?

A I do not know.

Q But there are some shops or stores, or places for people to pick a newspaper up or --

A I do not know.

Q Or whatever?

A There are shops there, but I do not call what they are.

Q And there are people going in and out of these shops, talking while they're shopping and so forth?

A I imagine.

Q Will you tell the jury how they page people in a casino in Las Vegas as the ones on the strip, what happens when somebody gets a phone call?



A The hotel operator would just call someone on the paging system and tell them, Mr. so and so, there is a telephone call for you. If he is familiar with the telephone system, he will go to a hotel telephone and answer it, say this is my name, so and so, and I want to answer the page, and she will connect him with the party.

Q And in a big hotel, it is a constant operation, somebody being paged all the time, is that correct?

A Normally.

Q And this is on a public address system that goes throughout the whole area?

A Yes.

Q And there is a page being made once every 20 seconds, we'll say?

A I cannot say that.

Q Let's take a hypothetical case. Supposing a call came in for a Mr. Joseph Adams, and someone rang that number, called the hotel operator, would you please page Mr. Joseph Adams, would it be true that the operator would put the call on, telephone call for Mr. Joseph Adams, and probably repeat it, and if Mr. Joseph Adams were in the area, he would come to a house phone, pick it up and say, this is Joe Adams, and take his call, is that the way it works?

A Yes.

Q All right. And this happens all day long, all night long in all these casinos, is that correct?

A Yes.

Q All right. Now, with respect to the Flamingo, if a call came in for anybody that was on the main floor of the Flamingo where you have got the slot machines, your bell captain's desk, your shops, your main desk and your casino all on the same floor, is that correct?

A Yes.

Q And if a call came in for somebody on a page, they generally would go to the area you are describing to pick up the phone?

A There are many house phones in the casino area. They can go to any of them.

Q All right. Many. Are there house phones in the casino itself?

A Yes.

Q Out among the dice tables?

A There was one at that time right by the cashier's cage.

Q And the cashier's cage is usually located at the far end of the casino, is that correct?

A Their cashier's cage at that time was located at the far end of the casino.

Q All right. One phone on the cashier's desk not in open view?



A It is in open view.

Q All right. Isn't it a fact, Officer, that in the casino area itself, they don't have house phones out among the tables because they are gambling there, they are playing blackjack and they are playing dice and they don't want people talking on the phones in that area, isn't that correct?

A They have a house phone by the tables, and I have used it many times.

Q By what tables?

A By the cage and the crap tables.

Q And are they in the pit area?

A They are adjacent to it on the wall.

Q Would it be fair to say that the general layout is designed so that if somebody gets a page, they go out near the main desk and near the area that you are describing, is that what they intend for people to pick up a page, they are the house phones?

A Generally.

Q Generally, all right. Now, you say that Mr. Camerano picked up a house phone, and he said on the phone, this is Eddie Miller and then read from your report, Florida 18, 4, Penn State 6, 11, Kent 19; Memphis State 6, Syracuse 8, Alabama 10, Tulsa 7, Loyola 5, Miami 5, Oklahoma City 7, 5, Ohio State, 13; Utah 10, UCLA 15,

Southern Cal, 11, all right, 9:30, 455-7153, is that what he said?

A That is what I could recall, and that is what I could write down. He might have said other things.

Q You were writing all this down?

A Yes.

Q While you were writing it, you were standing up?

A Yes.

Q Leaning over a counter about like this?

A Yes.

Q You had another telephone in your hand or on your shoulder?

A On my shoulder, in my ear.

Q Could I see those cards that you wrote this down on?

A (Handing.)

Q My eyes are bad, but this is in pencil, right?

A Yes.

MR. RYDELEK: Has this been marked as an exhibit, or any of these cards?

MR. FISHER: No, it has not.

MR. RYDELEK: You can mark them Defendant Camerano's Exhibit 1, if you want to.

THE COURT: Would you like them as one exhibit?

MR. RYDELEK: I would like them marked



separately, please.

THE CLERK: Defendant Camerano's Exhibits 1 through 3 marked for identification.

MR. RYDELEK: Would you separate these sheets and take the first sheet and mark that as an exhibit, please?

THE CLERK: Defendant Camerano's Exhibit 4 marked for identification.

BY MR. RYDELEK:

Q Officer, do you have your typed report with you?

A I have a copy of the original.

Q Okay. And will you refer to that and look at the telephone number that is on there, and also refer to Defendant's Exhibit 1 marked for identification?

Now, when was your typed report made up?

A It was typed on January 7, 1975.

Q And this surveillance and these cards, and the card that is marked Exhibit 1 were the original notes that you made on January 4th, the card was made on January 4th and the typed report was made on January 7th, correct?

A Right.

Q Okay. Now, will you give us the telephone number that shows on Exhibit 1?

A 457-1553.

Q And will you read the number supplied in your typed report?

A 455-7153.

Q So those numbers are not the same?

A No.

Q Well, where did you get that number that is on the typed report, how did you happen to get that? Did somebody supply it to you?

A It is off that report in your hand.

Q Well, let's take this report, too. This is marked Exhibit 4. Will you look at that number, the telephone number at the bottom of the page.

A 455-7153.

Q All right. That number -- please hold that Exhibit 4. There are erasures on that telephone number, correct?

A Right.

Q It has been changed from the time that that was written?

A I changed it the day I wrote it.

Q Okay. Did you were not sure what telephone number he repeated, if any, when you made all of these observations on January 4th, 1975?

A The telephone number I heard was 455-7153.

Q That has been changed, that is something you wrote in after?

A The day of my --

Q The one you heard was the one that is on the card?

A These are the numbers I heard.

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Q Right. What were those numbers, tell us.

A 457-1553.

Q That is not the same as the numbers that appear on these other two sheets?

A They are the same numbers, only they are transposed differently.

MR. RYDELEK: I will ask that that be stricken, your Honor.

THE COURT: Yes, strike it. It is not responsive.

BY MR. RYDELEK:

Q It is not the same telephone number that you have got on your typed report?

A No.

MR. RYDELEK: All right, that's all. I will offer the exhibits, your Honor, 1 through 4, on behalf of the Defendant Camerano.

MR. FISHER: Could I take a look at them?

(Handing.)

MR. FISHER: No objection.

THE CLERK: Defendant Camerano's Exhibits 1 through 4 received in evidence.

MR. PAPPAS: I have no questions of this witness, your Honor.

MR. WEINSTEIN: No questions.

MR. SHANAHAN: No questions.

THE COURT: Any redirect?

MR. FISHER: Yes, sir.

REDIRECT EXAMINATION

BY MR. FISHER:

Q Mr. Supan, when you were at this telephone, could you tell us where you held the telephone itself that you were holding?

A I initially picked it up in my left hand, then cradled it to my ear and my shoulder.

Q And then you dialed your office?

A I dialed our office.

Q With your other hand?

A Yes.

Q And then at what point did you begin copying down the information that you were overhearing?

A Immediately when I started hearing Mr. Camerano speak, I started writing down information. I did not talk on the phone at that time.

Q Did you look at your watch at some point?

A Yes.

Q And was this while Mr. Camerano was speaking?

MR. RYDELEK: I object to his leading this witness, your Honor.

THE COURT: Yes, sustained.



BY MR. FISHER:

Q At what point did you look at your watch?

A 2 o'clock.

Q And what was happening at that point that you looked at your watch?

A Mr. Camerano walked up to the telephone, the house telephone, and said that --

MR. RYDELEK: I object to his characterizing him as a defendant, whereas his reports say an unknown subject. He is putting in evidence something that he hadn't testified to before.

MR. FISHER: Yes, he identified the defendant.

THE COURT: Yes, overruled.

A Mr. Camerano walked up to the telephone, answered the page and said he was Eddie Miller, and just immediately started repeating this information that I have on the line.

Q At what point in the sequence did you call your office?

A I called in immediately and I told them to hold on and they were patching me in through to Syracuse.

MR. RYDELEK: I object to this line of testimony, your Honor. We are leading into some hearsay matters, and I don't think the jury ought to hear this.

MR. FISHER: Your Honor, the defense brought this out on cross.

MR. RYDELEK: I did not ask a single question about --

THE COURT: Please. Do you mind if I preside at this trial, Mr. Rydelek?

MR. RYDELEK: Yes, sir.

THE COURT: Sustained.

BY MR. FISHER:

Q The numbers that you wrote down on your original notes, were they the numbers that you actually heard spoken?

A Those are the numbers that I heard spoken.

Q Did you guess at anything?

MR. RYDELEK: I object to leading the witness again, your Honor.

THE COURT: Sustained. Please don't lead, Mr. Fisher.

Q Did you put down anything that you did not hear?

A No.

Q Did you hear some words which were unintelligible to you?

A Yes.

MR. RYDELEK: I object to leading the witness, again, your Honor. He is trying to testify.

THE COURT: Overruled. There is no way to put that question without leading.

Q Did you hear the question? Did you hear any words which were not intelligible to you?



A Yes.

Q And did you write down those unintelligible words?

A No.

Q At the sports book at Churchill-Downs, you described the chalk board, and you described the line information which is up on that board. Is that line information changed ever?

A Yes.

Q About how frequently, in your experience?

A During the football season it is changed several times a day, depending on the betting.

Q In your experience, is that a more or less up-to-date line than what you get out of a newspaper?

A Up to date.

Q It is more or less?

A More.

MR. FISHER: No further questions.

MR. RINALDI: May I ask one?

RE-CROSS-EXAMINATION

BY MR. RINALDI:

Q Mr. Supan, I assume that the report, which I think is -- a copy of the original report which is signed by you -- withdraw that. Let me ask it this way.

Reports made out by FBI agents such as the one that you are holding in your hand are signed by the

persons who actually make them out, is that correct?

A Yes, sir.

MR. RINALDI: That's all. Thank you.

MR. PAPPAS: No further questions,  
your Honor.

MR. RYDELEK: Just one more, your Honor,  
or one more, depending on his answer.

REXCROSS-EXAMINATION (Cont'd)

BY MR. RYDELEK:

Q Are you, yourself, a sports buff, do you follow sports?

A No.

MR. RYDELEK: Okay, nothing further.

THE COURT: You are excused.

Next witness.

MR. FISHER: James Aaby.

JAMES A. AABY,

having been called as a witness on behalf of the Government,  
was first duly sworn according to law and testified as follows:

DIRECT EXAMINATION

BY MR. FISHER:

Q Could you tell us your occupation, please?

A Special agent with the FBI.

Q And how long have you been a special agent with the FBI?

A Approximately five years.

Q In 1965, what office were you assigned to?



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A Las Vegas division.

Q Did you have occasion on January 5th, 1975, to conduct a physical observation?

A Yes, I did.

Q Could you tell us, did you bring your report or notes with you of those observations?

A Yes, I did.

MR. FISHER: That is Exhibit 3505 and 3515.

Q Could you tell us what you saw and did on January 5th, 1975, please?

A Myself and several other agents from the Las Vegas division commenced a surveillance of Louis Camerano at his residence, approximately 9:15 in the morning. His address is 711 East Wayne, Apartment 13B in Las Vegas.

Q At that time you didn't know his name, did you? Or did you?

A We suspected his name, we suspected his name.

Q Now, is the gentleman who you conducted the surveillance of in the courtroom today?

A Yes, he is the man in the greenleisure suit.

MR. FISHER: Let the record reflect the Defendant Camerano has been identified.

Q Could you tell us what happened?

A I observed Mr. Camerano entering his automobile at approximately 9:15 in the morning. I followed him to the Churchill-Deans sports book, observed him enter the

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sports book at approximately 9:21 a.m. Approximately 9:25 he exited the Churchill-Downs sports book and drove to the Dunes Hotel, and I followed him into the Dunes Hotel, followed him up to the mezzanine floor in the Dunes Hotel and observed him place several coins in a pay phone and read line information over the telephone.

Q What time did you observe him making this telephone call?

A About 9:28 a.m.

Q And could you tell us exactly what he said over the telephone?

A I was writing out some notes. I wrote down as much as I could. I was standing right next to him, and I wanted to be as discreet as I could, but as best I could recall, it was "Hello. Here it is. Pittsburgh, 3-1/2; North, 1 over South; Milwaukie, 3-1/2, Cleveland 3, Kansas City 4, Portland 13, Washington 2. The other place tomorrow at 2 o'clock."

And then he hung up the phone and exited the Dunes Hotel.

Q Were there other words that were unintelligible to you?

A Yes, I am sure I missed some. I was standing -- I made a pretext call myself, and I tried to listen as closely as I could, but I might have misinterpreted some of the words, or I might have gotten some of the numbers on games wrong. In my opinion, this is just a correction of



a previously given line.

Q Well, in the words that you have just read to us which you quoted that you heard, were those misinterpreted or are those the ones you actually heard?

A To the best of my recollection, those are the ones I heard.

Q The ones that you couldn't understand, did you write those down?

A The ones I could understand?

Q The ones that you could not understand, could you write those down?

A No, I didn't.

Q Now, did you have an opportunity to speak with Mr. Camerano on a later occasion?

A Yes, I did.

Q What was the date of that?

A On June 24th, 1975, myself and another agent went to Mr. Camerano's apartment and interviewed him there.

Q Okay. And could you tell us what you said to him?

A Well, we initially identified ourselves, advised him what the interview pertained to, I advised him of his Miranda rights.

Q Can you tell us exactly what you advised him?

A That we were going to be talking to him about the interstate transmission of wagering information or the

telephoning of line information to Syracuse, New York from Las Vegas.

Q And what else did you advise him of?

A I advised him of his Miranda rights.

Q What specifically did you say?

A That he would not have to say anything to us if he did not want to. Anything he did say to us could be used against him in a court of law, and that if he could not afford an attorney, one would be appointed for him by a court at a later date.

Q Now, do you have a standard form you use in the FBI?

A Yes, we do.

Q And does that basically set forth the rights you have just mentioned?

A Yes, it does.

Q Did you show him that form?

A Yes, we did.

Q What did he say?

A He advised us that he did understand the Miranda rights, but that he would prefer not to sign the form.

Q Now, did you begin asking him about interstate transmission of wagering information?

A Yes, we did.

Q What did he say?

A He advised us that he had never telephoned any line



information out of the Las Vegas area to another state. He further advised us that the name Eddie Miller was completely unfamiliar to him, and that he had never answered a page at any Las Vegas hotel or casino in the name of Eddie Miller.

He further answered that he never received any telephone calls at any Las Vegas casinos.

Q And then what did you say?

A I advised him that he had been observed on several occasions by special agents of the FBI answering pages in the name of Eddie Miller, and that he had been observed telephoning or reading from a line sheet onto the telephone, and at this point he advised us that he would prefer not to talk to us any further about that matter.

MR. FISHER: Thank you very much.

Your witness.

CROSS-EXAMINATION

BY MR. RINALDI:

Q Fr. Aaby, may I see those reports, please?

A Yes, sir. (Handing.)

Q Officer Aaby, on this particular day that you are testifying about, you don't know to whom the call was going, do you?

A Yes, I do.

Q All right. And is that reflected in your report?

A Not in these, in another sheet.

Q All right. And on that same day, I think you mentioned that it was at the Dunes Hotel?

A Yes.

Q In the mezzanine?

A Right.

Q Were these public phones?

A Yes, they are public phones.

Q Was Mr. Camerano calling from a public or a house phone?

A Pay phone.

Q All right. And where were you in relationship to where he was?

A Standing right next to him.

Q All right. And were you making a phone call?

A I dialed a number, yes, I did.

Q All right. And what was the physical description of the man on that date that you had --

A White male, approximately 35 years of age, six, six one, medium build, maybe 170-75 pounds.

MR. RINALDI: That's all I have.

Thank you.

MR. WEINSTEIN: No questions.



## CROSS-EXAMINATION (Con't)

BY MR. RYDELEK:

Q Officer Aaby, you stated that from your report, 3513, the typed report --

A Yes.

Q -- in the second paragraph, you said that Camerano stated that he had never been telephonically contacted by anyone in the Las Vegas casino by telephone, he stopped there, is that correct?

A I shouldn't have stopped there.

Q Well, read the whole thing, will you please, the complete statement.

A Camerano stated that he had never been telephonically contacted by anyone in the Las Vegas casino by telephone for the purpose of transmitting line information, and stated that he had not been involved in any manner in any gambling operation.

Q So that was his complete statement?

A Right. that was his complete statement.

Q Were these telephone booths that you described as being used by Mr. Camerano on the second floor of the Dunes, you said?

A It is the mezzanine floor. There is an escalator going to the mezzanine floor.

Q There are open phones, or are they a closed booth?

A217

Aaby, by the Government, cross

217

A Open phones.

Q And was he alone up there at the time?

A Yes.

Q And you say you went and stood right next to him and --

A That's correct.

Q And he continued talking?

A Yes.

Q You were listening to him?

A Yes.

Q Making notes of what he was saying?

A Yes.

Q What were you writing on?

A As I recall, something like a three by five piece of paper, a small piece of scrap paper.

Q Was there a counter there or did you hold it in your hand?

A There is a little counter by each of these phones.

Q And you had a phone in your hand?

A Right.

Q Were you talking to anybody?

A No.

Q Just standing there, holding the phone and writing while he was talking in the booth next to you?

A Right. I normally dial the phone I am on.

Q Now, do you claim that the written report that you made giving the line that he allegedly gave is an accurate,



Aaby, by the Government, cross

correct transcription of what you heard, are you sure about that?

A Yes.

Q And referring to that, he said in the beginning of the conversation, "Hello, here it is"?

A Yes, or words to that -- to the best of my recollection, this is what I wrote down.

Q And you were standing right next to him?

A Right.

Q Then he gave some teams and some numbers and then at the end he said, "The other place tomorrow at 2 p.m."?

A Yes.

Q And could I see your notes where you wrote this down?

A I don't have my notes, my original notes with me. I have my three-0-two.

Q Thank you. You have been an agent for approximately five years, you said?

A Yes.

Q You are trained and know how to take notes and to make surveillances and --

A Yes.

Q -- to have a good ear, so to speak?

A Yes.

Q So again, you vouch for what you claim was said and you claim that those are the words that he used?

A That I heard, yes.

Q Right. Are you yourself a sports fan, are you interested in baseball, football?

A I follow it a little bit, yes, but not -- I'm not a real avid fan, no.

Q Have you read any sports magazines?

A No.

MR. RYDELEK: Okay, no further questions.

MR. FISHER: Just one question.

REDIRECT EXAMINATION

BY MR. FISHER:

Q At this telephone booth where you were, he was making the call, what was the telephone number of that booth?

A The pay phone, 735-9774.

MR. FISHER: Thank you.

THE COURT: We will take a short recess at this time.

(After the recess, the trial continued as follows:)

MR. FISHER: If the Court please, before the jury comes in, the next witness is going to testify as to voice identification of the person at Carerano, and I think Mr. Rydelek and I have agreed to stipulate that this tape which I am going to have marked as an exhibit is an accurate duplicate of the telephone



calls that the witness listened to as part of his voice comparison. Is that correct?

MR. RYDELEK: Not precisely. I will stipulate that if an FBI agent were called, he would say that was an accurate tape.

THE COURT: It is an accurate tape.

MR. FISHER: Okay. This will be marked as a Government exhibit, please.

I call Mr. Scobie.

THE COURT: You do stipulate that the agent called testified that this exhibit -- does it have a number?

THE CLERK: Government's Exhibit 16 marked for identification.

THE COURT: It is an accurate duplicate of the conversations which he overheard, right?

MR. RYDELEK: Yes, sir.

THE COURT: All right. I think those stipulations should be made in front of the jury, otherwise, the jury has no evidence as to that.

MR. FISHER: Yes, sir, I have the rest of them typed up. Can I just state it to the jury when they come in?

THE COURT: Let me make sure you have got it right. You seem to have a pretty good habit of

misstating it.

MR. FISHER: I will have to write it up, this particular one.

THE COURT: I suggest you write out these stipulations and have them signed. That is the way the lawyers do it.

MR. RYDELEK: Judge, may I approach the bench for a minute?

THE COURT: Hold the jury.

(Off-the-record discussion at bench.)

(Jury enters courtroom.)

MR. FISHER: The Government calls Mr. Bill Scobie.

WILLIAM A. SCOBIE,

having been called as a witness on behalf of the Government, was first duly sworn according to law and testified as follows:

DIRECT EXAMINATION

BY MR. FISHER:

Q What is your occupation, sir?

A I am a special agent for the Federal Bureau of Investigation.

Q And how long have you been so employed?

A Six and a half years.

Q What office were you assigned to in 1975?

A Las Vegas, Nevada.



Scobie, by the Government, direct

Q Now, January 6th, 1975, did you have occasion to conduct a physical surveillance or observation?

A Yes, I did.

Q Could you tell us what you saw and what you did? Do you have copies of your report with you?

A Yes, I do.

Q That will be Exhibit 3506.

A On that date, I observed Louis Mark Camerano in the Flamingo hotel, and saw him answer a page to Eddie Miller, and I overheard his conversation on the house phone.

Q Could you tell us what this Mr. Camerano looked like?

A Do you want a physical description?

Q How you described him in your report.

A Approximately 30 years old, six feet tall, 190 pounds, black hair.

Q Do you see him in the courtroom today?

A Yes, he is sitting over there with the green jacket on.

MR. FISHER: Let the record reflect the defendant, Camerano, has been identified by the witness.

Q Now, could you tell us what happened from that point on?

A When he answered the page on the house phone, he was reading from -- looked like a piece of paper, and I'm going to read what I heard him say. I did not hear the entire conversation, but this is what I heard.

Q First, could you tell us where you were?

A I was approximately three feet away from him. There are a bank of phones across from the desk, the bell captain's desk, and he was at one phone and I was -- there was one phone in between us and I was at the next phone.

Q And what were you doing?

A I was observing Mr. Camerano, and I overheard this conversation: "Kentucky 10, Indiana 8, Alabama 11, Auburn 9, Houston 9, Kansas 3, Mississippi State 2, Southern Methodist 7, Purdue, 2, Minnesota 14, Pittsburgh 3-1/2."

There were other quotations like that, but I did not copy them down.

Q Why is that?

A I could not write that fast.

Q And did he say anything else after that, according to your report?

A Yes, he said, "Okay, same time tomorrow," and then he terminated the call.

Q Now, several months later, in June of 1975, did you have occasion to interview Mr. Camerano with another agent?

A Yes, I did.

Q Did you hear everything that Mr. Camerano said during that interview?

A Yes.

Q Now, I'm going to show you what has been marked



Government Exhibit 16, and ask you if you recognize this.

A Yes, sir, I recognize it. It is a copy of a tape of a conversation between Louis Mark Camerano and Joseph D'Agostino on the 4th and 5th of January 1975.

Q And have you ever heard this tape played?

A Yes, several times.

Q When was the first time you heard it played?

A Just about an hour or less before we went out and talked to Mr. Camerano.

Q And then, when was the next time after that you played it?

A When we got back in the office.

Q Now, have you formulated an opinion as to whether the voice on that tape -- as to whether the voice of Mr. Camerano matches any voice on that tape?

A Yes, the person we interviewed and one of the callers who was identified as Camerano on the tape is, in my opinion, the same voice.

MR. FISHER: No further questions.

CROSS-EXAMINATION

BY MR. RINALDI:

Q Mr. Scobie, had you ever seen Lou Camerano prior to January 6th, 1975?

A Yes.

Q And the report makes reference to him as an unknown subject, does it not?

A Yes, because --

Q Does it or doesn't it?

A Yes.

Q All right. And you stated that when you were standing at this bank of telephones, that there was one empty phone between you?

A No, it wasn't empty. I said there was somebody in between. I mean, there was a phone in between where I was and where he was calling.

Q All right. Well, where is this bank of phones located?

A It is in the Flamingo Hotel. When you come in the front door, it is to the left and there is like a hallway down there on one side, which would be the east side, that is where the bank of phones is.

On the other side there is a bell captain's desk. That's how it was at the time.

Q Okay. How many phones were there along that bank?

A There is approximately five or six house phones and maybe four pay phones.

Q All right. And where were you located then in relationship to what you just told me, the four public and the five or six house phones?

A As I recall, I was probably on about the third or fourth pay phone from the south end of the bank of phones.

Q That would be from the left, facing you?



Scobie, by the Government, cross

A From the right, going that way, towards the left.

Q All right. Well, let me ask you if you were looking at this complete bank of phones.

A Yes.

Q Describe for the Court and jury where the public and the house phones would be.

A Well, the pay phones and the house phones are inter-mixed, they are not altogether. As I recall, there is at least three house phones, the first three phones that are on this bank of phones starting from the right, going to the left.

Q All right.

A And there might be four, I'm not sure.

Q All right.

A Mr. Camerano was either on the first or second one, and I was then -- not the next one, but the one after that towards the left.

Q Was he on a house phone?

A I don't remember. It was just a stall in there. I don't remember which one. I was concentrating on listening to what he had to say.

Q Well, in the stall there was someone, apparently, on the phone between you and Mr. Camerano?

A No, it was another agent.

Q Another agent?

A Right.

Q All right. And do you remember whether or not Mr. Camerano had his back to you or not?

A He was facing the wall.

Q Facing the wall?

A Yes.

Q And were you making a phone call at the time, and was the other agent making a phone call at the time?

A No.

Q You were both just standing there?

A Yes.

Q All right. Aside from what you testified, you don't know to whom Mr. Camerano was talking?

A At that time, I did not know --

Q Yes, at that time.

A -- the person to whom he was talking.

MR. RINALDI: That's all I have.

Thank you.

CROSS-EXAMINATION (Cont'd)

BY MR. RYDELEK:

Q Officer Scobie, have you ever been called as an expert before to identify voices?

A No.

Q This is your first time?

A Correct.



Scobie, by the Government, cross

Q Are you familiar with any of the other methods used by the United States Government in voice identification?

A What are you referring to?

Q Well, such as voice prints, or that type of --

A It is my understanding that voice prints aren't allowed in court.

Q I asked you if you are familiar with the use of voice prints and voice identification.

A Not in testimony.

Q So what you are telling us here, that your opinion, this is Camerano's voice on tape, it is just that, it is your opinion?

A Correct.

Q And how many times have you heard his voice on the telephone, for example?

A You mean --

Q Other than from the tapes.

A I have never talked to him on the telephone.

Q You have never heard him talk on the telephone to you?

A No, only in person.

Q And this is the conversation that you claim that you overheard in the Flamingo when he was talking to somebody on the phone near you?

A No, I was present when Mr. Aaby and I interviewed him on the 24th of June.

Q Or from the interview when you questioned him about his activities and so forth?

A There were other times that I heard his voice.

Q Well, how many times have you talked to him personally?

A I have talked to him personally to his face in conversation one time. I have heard him on two occasions.

Q And how long did that one time, when you talked with him face to face, how long did that conversation take?

A 15, 20 minutes.

Q And there was another agent?

A Yes.

Q With you?

A Yes.

Q And that was when he denied any participation in giving an illegal -- in participating in an illegal gambling operation, is that correct?

A Correct.

Q Isn't it a fact that, if you know, that many people who have a deep voice sound the same on the telephone, would you say that that is a fair statement?

A I don't think I could make that inference. I can usually tell a person's voice when I hear it.

Q I am talking about on the telephone or from a tape. Isn't it a fact that it is difficult to discern between people who have a deep voice, and that there are other



methods used to bring out the fact of proper identification, if you know?

A Well, I wouldn't know whether it is difficult or not, because I haven't tried it that many times.

MR. RYDELEK: Okay, that's all.

MR. RINALDI: Your Honor, may I be permitted to ask one question?

THE COURT: Yes.

CROSS-EXAMINATION (Cont'd)

BY MR. RINALDI:

Q On January 6th, Officer Scobie, when you overheard a person who is an unknown subject at the time, identified as Eddie Miller, give out certain line information, how long did that -- I'm sorry.

A What did you say? I didn't hear you finish.

Q I should turn around. I am trying to read.

On January 6th when you were surveilling this unknown subject at the Flamingo -- yes, at the Flamingo, and he was known at that time as Eddie Miller, at least that is who you were looking for, how long did that conversation that you overheard last?

A A minute or two.

Q Okay. And that was one of the occasions that you heard him?

A That's correct.

Q And another time I think you told us you listened to him when you interviewed him?

A And that was another time. I had heard him one other time.

Q But the time you interviewed him was some six or seven months later, was it not?

A Yes.

Q And then you heard him sometime on some tapes?

A No, I heard him on the tapes the same day that I interviewed him, both before and after we interviewed him.

Q Well, all right, that would be June though?

A That was June, yes.

Q All right.

A June 24th.

Q Well, did you have some kind of monitoring device at that time? You say you heard him on tape. I don't quite follow you.

A Yes, I would save a copy of the tape of the telephone conversation between Camerano and Joseph D'Agostino on the 4th and 5th of January. I was -- by the Syracuse office. Sent it to Las Vegas. We listened to it prior to going out and talking to Mr. Camerano, and as soon as we were through talking with him, we went back to the office and we listened to it again.

Q All right. Now, when you received those tapes, you say,



from the Syracuse office of the FBI --

A Yes.

Q All right. And when was that?

A When was it?

Q Yes, sir.

A I don't remember when the tapes came in, but that is the day I listened to them. It was June 24th.

Q All right. And between January 6th and June 24th, you had never had occasion to hear Mr. Camerano's voice, is that correct?

A Not that I can recall right now.

Q All right. And when you received these tapes from Syracuse, did you receive some kind of report or letter indicating to you what the tape was?

A I believe the tape was marked on the outside of it.

Q It was marked on the outside, probably, conversation between Joe D'Agostino and Lou Camerano?

A Correct.

Q So you knew when you received the tape that you were listening to a tape of two persons who have been identified by the Syracuse police?

A I don't know who they had been identified by.

Q Well, did the tapes come from the Syracuse FBI?

A Yes.

Q All right. Would it be safe to assume that on top of the

tapes, there are names, Louis Camerano and Joseph D'Agostino, and that somebody from the FBI placed those names on there?

A Right.

MR. FISHER: Objection. Calling for a conclusion.

THE COURT: Sustained. Strike it.

MR. RINALDI: That's all. Thank you.

REDIRECT EXAMINATION

BY MR. FISHER:

Q Mr. Scobie, why did your report indicate that the person was unidentified?

A At that time --

MR. RINALDI: I object to that.

MR. RYDELER: I want it repeated. I didn't exactly hear the question, but I think I am going to object.

THE COURT: Repeat it.

BY MR. FISHER:

Q Why did your report indicate that the person was unknown?

THE COURT: Sustained.

Q Did you ever claim to be an expert or professional expert in the field of voice analysis?

A No.

Q So you just compared the two voices?



MR. FISHER: No further questions.

THE COURT: You are excused.

Next witness.

MR. FISHER: I call Mr. Keller.

Your Honor, I believe this witness has already been sworn and he has testified on direct, and we were on cross.

JAMES D. KELLER,

having been recalled as a witness on behalf of the Government, previously duly sworn according to law, testified further as follows:

CROSS-EXAMINATION

BY MR. SHANAHAN:

Q Mr. Keller, your present occupation is an antique dealer?

A Yes.

Q And is your home in the City of Syracuse?

A Yes.

Q What part of the city do you live in?

A I live on the west side.

Q The west end of the city?

A Yes.

Q All right. And in the year of 1974 and early 1975, you were in the used car business?

A Yes.

Q And did you, at that time, have a place of business at

North Gette Street in the City of Syracuse?

A Yes.

Q And would that location be, perhaps, a mile to the west of the main business section of the city?

A Not even that, right.

Q Not even that much, all right. Now, as I understand your testimony yesterday, you indicated to us that you were acquainted with Raymond Czerwinski, would that be so?

A Yes.

Q And how long had you known him?

A 20 years.

Q I beg your pardon?

A 20 years.

Q 20 years. Did you live at the same general area of Syracuse as Czerwinski, that is, on the west side of the city?

A Yes.

Q All right. And I think that you indicated to us that during the year 1974, perhaps early 1975, you placed some bets with Czerwinski, would that be correct?

A Yes, I did.

Q And were these bets on football games, for the most part, Mr. Keller?

A Yes.



Q Did they include anything other than football bets?

A I don't believe so, no.

Q All right. And you knew Czerwinski by the nickname of Baldy, would that be right?

A Right, I never knew his real name until all this started.

Q And how long had you been betting with Czerwinski?

A It is tough to say, at least three, four years, maybe.

Q Three or four years. And then you are speaking now of three or four years before 1974, early 1975, would that be right?

A Approximately, yes.

Q Okay. And now, you also mentioned that you were acquainted with Sam Ebare?

A Yes.

Q And how long before 1974 and 1975 had you known Ebare?

A 10, 15 years, maybe.

Q All right. Now, did you ever place any bets with Ebare?

A No.

Q Well, I think the way that you expressed it was that in the football season of 1974 and 1975, you lost on some of the wagers that you made, would that be right?

A Right.

Q And these wagers that you lost were wagers that you made with Czerwinski, would that be correct?

A Yes.

Q And that is, you placed your bets with him and had your dealings with Czerwinski in connection with those bets, would that be true?

A Yes.

Q And the total of your losses at, apparently, the end or towards the end of the football season of '74-75, you indicated was approximately \$1600?

A That's right.

Q Now, was the situation at that time, Mr. Keller, that you were interested in getting some time to pay off your loss?

A Exactly.

Q And was that by reason of the fact that this used car business that you were engaged in was somewhat of a seasonal business?

A Most of the time, yes.

Q And your slow period of the year, I assume, would be in the months of December, January, generally the winter months of the year, would that be true?

A That's true.

Q All right. Now, I assume that you did tell Mr. Czerwinski that you wanted some time to pay off your losses, would that be right?

A Yes, sir.

Q And then did Czerwinski tell you that was all right?

A Yes.



Keller, by the Government, cross

Q Now, you say that at some point or other, you said that you wanted to talk to Ebare?

A That's true.

Q And there came a time, I think, according to the testimony you gave us yesterday, that in January you did have a conversation with him?

A I'm not sure of the month, but I did, December or January.

Q December or January, that would be December '74, January of '75, around that area?

A Yes.

Q And that conversation, as I understood, took place at your home?

A No.

Q Where was it?

A The car lot.

Q Oh, at the car lot on this North Gette Street location?

A Yes.

Q It is difficult to hear. I'm sorry, perhaps I misunderstood your answer. And this conversation that you had now with Ebare was one that you had solicited, would that be correct?

A Solicited, meaning I promoted the conversation?

Q Yes, you asked to see him.

A Yes.

Q All right. Now, and I think that you told us yesterday

that you told Ebare at that time that you made some bets with Baldy and that you would like to pay them over a period of time.

A That's true.

Q Would that be true?

A Yes.

Q And you tell us that previous to that time you had talked to Czerwinski or Baldy, he said to you, that would be all right, correct?

A I am not positive that it was previous to that or not.

Q Well, I understood you to say just a minute ago that you talked to Czerwinski, told him you wanted some time because of your poor season, poor business season?

A Yes, I did.

Q And that he said it would be all right?

A Yes.

Q That is so, is it, all right. Now, I think that you told us yesterday that Ebare then said to you, well, why are you calling me, or why are you talking to me, is that right?

A He told me to see Baldy.

Q And he told you to see Czerwinski, would that be so?

A Yes.

Q And that was the substance of that conversation, was it?

A Approximately, yes.



Q Now, let me ask you, you told us that you had been betting with Czerwinski three or four years before this occasion that we are now talking about. Had there been an occasion a couple of years before that and while you were betting with Czerwinski that you had lost some money on an earlier occasion?

A Yes.

Q And on that occasion, did your loss amount to some eight or nine hundred dollars?

A Yes, it did.

Q And did you again talk to Czerwinski about having some time to pay off that loan?

A Yes, I did.

Q And did you and Czerwinski work that out all right?

A Yes, we did.

Q And in connection with that, was there any talk with Ebare at all, between you and Ebare?

A No.

Q And as a matter of fact, Mr. Keller, during this period of time that we are talking about, '74 and '75, did you bet with other people apart from Czerwinski?

A Not that I can recall right now.

Q There was a mention of someone by the name of Cartelli in your grand jury testimony. Would that refresh your recollection any?

A That was just a minor bet, 10-dollar bet.

Q Well, when you say minor bet, you mean a smaller sum of money was involved in that than in these football bets?

A Yes.

Q Is Cartelli somebody located up on the west end of Syracuse, too?

A I believe -- yes, he works on the west side of Syracuse.

Q I'm sorry, I can't hear.

A He works on the west side of Syracuse.

MR. SHAWAHAN: May I have just a moment, your Honor?

THE COURT: Yes.

MR. SHAWAHAN: I think that's all.

THE COURT: Any other cross?

MR. RINALDI: Just a couple of questions.

CROSS-EXAMINATION (Cont'd)

BY MR. RINALDI:

Q Mr. Keller, do you recall testifying before the grand jury?

A Yes, I do.

Q And do you recall indicating during that testimony that you did not know Joe D'Agostino?

A I have heard of him, I knew who -- you know, I heard the name before.

Q But you never placed any bets with Mr. D'Agostino, did you?



A That's right.

MR. RINALDI: That's all I have.

Thank you.

CROSS-EXAMINATION (Cont'd)

BY MR. WEINSTEIN:

Q Now, Mr. Keller, you stated that you owed Baldy approximately 16 to 18 hundred dollars?

A That's right.

Q That is a considerable amount of money?

A Yes.

Q Now, Baldy is the only one you owed this money to, isn't that correct?

A That is who I placed the bet with and that is who I gave the money to.

Q Right. Now, you testified that you, through Baldy, asked to meet with the Defendant Ebare, isn't that so?

A Yes.

Q Did you ever ask to meet with Michael Beach?

A No.

Q Now, who was with Mr. Ebare during the meeting that has been testified to?

A Mike Beach.

Q And did they come together?

A Yes.

Q Now, where was Beach during this conversation?

A In the office.

Q Was he standing right next to where or was he standing over by a window? Where was he standing, if you recall?

A Mostly just walking around, looking out, you know, just there.

Q Then he wasn't a party to the conversation?

A I don't believe so, no.

Q Okay. Now, did Beach say anything to you when he came in?

A He might have said hello, that was the extent of it.

Q In fact, during this entire conversation, isn't it true that Michael Beach and you did not say anything to each other?

A That's true.

Q Okay. Now, at this time or any time, did you and Mike Beach ever talk about the money that was owed?

A No, I don't believe so, no.

Q No conversation about that money?

A No.

Q Now, did you ever place any bets with Mike Beach?

A No.

Q He never provided you with any line information, did he?

A No.

Q In fact, you and he never talked about gambling at all, did you?

A No, I -- no.



Q You did not talk about gambling?

A No.

Q He never talked about collecting any money from you, did he?

A No.

Q Did Michael Beach ever threaten you in any fashion whatsoever, ever?

A No.

Q Okay. Now, you have seen Beach and Ebare together on occasion, have you not?

A Yes, I have.

Q And I believe your testimony before the grand jury is that they were friends, or sidekicks, isn't that correct?

A Yes.

Q And did you ever see them conduct any type of business together, Beach and Ebare?

A No, I haven't.

Q And you knew them to be nothing more than just social friends?

A That is -- I have never seen them conduct any business.

MR. WEINSTEIN: Thank you. No further questions.

CROSS-EXAMINATION (Cont'd)

BY MR. PALMER:

Q Mr. Keller, yesterday you testified that during the sports

season in the latter part of 1974, early part of 1975, you bet as much as 100 or \$200 per game, is that correct?

A I'm not sure of the exact figures, give or take.

Q So that it could be more than \$200 or less than \$200, is that correct?

A Correct.

Q And before the grand jury when you testified, you indicated to them that --

MR. FISHER: Objection. He is reading grand jury testimony.

THE COURT: Sustained.

BY MR. PALMIERE:

Q Directing your attention to page 6 --

THE COURT: Put the same question to him. Let's see what his answer to it is now.

MR. PALMIERE: All right, I will ask it this way:

Q Mr. Keller, during that period of time, late 1974, early 1975, did you bet as much as three to four hundred dollars per game?

A It is possible that I did. I don't remember the exact amounts.

Q And how many games a day would you normally bet?

A It was more on a weekly basis. I usually concentrated, or tried to concentrate on one game per week.



Q Were there times when you bet more than one game per week at three to four hundred dollars a game?

A I couldn't swear to it, but I usually concentrated on one game. I very seldom -- I am not saying it didn't happen or it couldn't have happened, but I very seldom, if any, bet on more than one game in a week.

Q Did you ever bet as much as \$2,000 in one day on various sporting events?

A Did I ever?

Q Yes.

A No, I didn't.

Q Now, during this period of time, 1974-1975, did you have access to a line information supplied by other bookmakers?

A By other bookmakers?

Q Yes.

A I can't recall any, no.

Q Now, you made bets on occasions by using the telephone, is that correct, or was it always done in person?

A I believe I did it both ways.

Q All right. Now, in using the telephone in calling a particular individual to make a bet, you would first call for his line information, is that correct?

A I want you to know you are asking me tough questions from a year and a half ago. Let me explain it to you.

Sometimes I think I would see the line, possibly call in a bet after that.

Q All right.

A Sometimes I might possibly call in --

Q In order to make your selection then on the team that you were going to bet on, you first wanted to determine what the odds were, who was the favorite, who was the underdog?

A Exactly, yes.

Q So you would call and the man would give you the line, is that correct, or the odds, before you made your bet, you would receive the line?

A I would see the line before I made a bet.

Q All right. And even though you might have bet on only one or two games, he may have given you the line on as many as ten games, isn't that correct?

A Well, you have the option to bet any game.

Q Any game. So the line he gives you then is the odds on ten, or as many as 20 games if it happens to be a Saturday or a Sunday where there is a lot of sporting events taking place throughout the country, isn't that correct?

A Right.

Q All right. Now then, after receiving that line information, then you would in the privacy of your office or



home, or wherever you are, study the line in an effort to determine what bets you were going to make, is that correct?

A There was a thing on television that used to give computer ratings and I would compare what lines I had with the computer ratings and try to pick a winner, one versus the other.

Q All right. So, there was some effort by you then to study the odds and to compare it then with certain other independent information that you had access to, is that correct?

A Not other independent information, no.

Q Well, you said that you --

A It is a nationally televised program.

Q You alluded to some aid --

A Yes.

Q -- in selecting that bet?

A Exactly.

Q All right. And then after you got all through then weighing the odds, you would select your team and then call the bookmaker and place your bet?

A I would place the bet, yes.

Q And then at the end of the given period of time, you would settle up with the bookmaker, depending on the wins and losses that you had for the particular period following

the last time you settled up with that particular bookmaker, is that correct?

A Would you repeat that again, please?

Q Well, in other words, when you called on the telephone, received a line and made your bets, either in person or by the telephone, you bet by using your credit, didn't you?

A Yes.

Q All right. So there came a period of time after you made several bets over a period of several days that you would then be expected to settle up with the bookmaker, and the bookmaker would be expected to settle up with you in the event you won?

A True.

Q Okay. And sometimes that day where you would settle up would occur one or two days following the last bet that you made with the bookmaker?

A That's true.

Q All right. When you used the telephone to make your bets or to receive your line, did the bookmaker ever tell you what the status of your account was, the so-called bottom figure?

A I imagine that it did happen, although I couldn't say positively.

Q So just to help explain this just a little more, if you



would, if you bet over a period of two or three different days, one or two contests a day, and then wait for a period of time after the last bet that you made to settle up, over this period of time on any particular given date, the bookmaker would perhaps owe you money on certain games that you have won, and at the same time you may have owed him money on certain games that he won, arriving at a net balance, either in your favor or in his favor, correct?

A You have to arrive at a balance, yes.

Q And that net balance is what you would then settle up on when you met him in person, correct?

A No. If I owed two or three hundred, I might just pay a hundred.

Q All right. But, at any rate, you were expected to settle up on that net figure that you arrived at?

A Eventually, yes.

Q Eventually, okay.

MR. PALMIERE: I have no further questions.

CROSS-EXAMINATION (Con'td)

BY MR. HYDELEN:

Q Mr. Keller, did the computer ever give you any winners?

A As you can see the results, not too many.

Q It wasn't so accurate then. Do you know of other sports

services or publications which might help you in making selections on football or baseball games?

A Services or publications?

Q Yes. For example, some of the sports magazines that might advertise for services that would either give you an up-to-date line or help you to make selections.

A I am sure that they exist, but I don't believe I have used them.

Q You haven't used them yourself. This item on television that you are talking about, is this something you saw in the Syracuse area?

A Yes.

Q One of the local TV stations?

A Yes.

Q And what do they do, have some sports announcer that says --

A Syracuse by seven over Pittsburgh.

Q And they mention a line and give you a selection?

A Yes.

Q Do they still do this, do you know?

A They did last football season.

Q And perhaps for two or three years before that?

A Yes.

Q Do you know the channel, or it might be a couple of them, as a matter of fact?

A Yes, I think it is.



Keller, by the Government, cross

Q By the way, do you know Louis Camerano, the gentleman in the green suit sitting at the end of the table?

A I don't think so, no.

Q You have never had any dealings with him, probably never seen him before?

A All faces look familiar, but I have never done any dealings with him.

MR. RYDELEK: Thank you.

CROSS-EXAMINATION (Cont'd)

BY MR. PAPPAS:

Q Mr. Keller, I believe you told Mr. Shanahan that during the course of the year '74-75, you placed at least one other bet with another bookmaker or person who accepted bets?

A Yes.

Q All right. And at the time that you placed that bet with him, you didn't know whether he was going to book that bet himself or place that bet with someone else, did you?

A Not really, no.

Q All right. And you bet with other people before, and is that situation usually the case?

A I don't think anybody ever really knows.

Q In other words, when you place a bet with someone, they don't tell you whether they're going to, as they say in

the trade, book the bet themselves or whether they are going to place it with someone else, isn't that a correct statement?

A Yes.

Q All right. And you have known Mr. Czerwinski, my client, for approximately 20 years?

A Yes.

Q And you testified that for three or four years prior to the time you are talking about, you had placed bets with him, is that correct?

A That's correct.

Q And during this entire period, he never told you that he worked for Sam Ebare, did he?

A I can't recall him ever saying it.

Q All right. And you have testified to situations where you have talked to Sam Ebare, is that correct?

A Yes.

Q And Sam Ebare never told you that Ray Czerwinski worked for him either, did he?

A I don't recall him ever saying it.

MR. PAPPAS: No further questions.

REDIRECT EXAMINATION

BY MR. FISHER:

Q Mr. Keller, you testified earlier that you had a discussion with Mr. Ebare about taking time to pay off



the 16 to 18-hundred-dollar debt, is that right?

A Yes.

Q Now, was this 16 to 18-hundred-dollar debt, did this arise out of bets — this arose out of bets you had placed with whom?

A Baldy.

Q Did Mr. Ebare deny to you that Baldy worked for him?

MR. SHANAHAN: Just a minute. I object to it in that form.

THE COURT: Sustained.

BY MR. FISHER:

Q Did Mr. Ebare discuss this bet with you?

MR. SHANAHAN: May I have the question back?

Q Did Mr. Ebare discuss this debt with you?

A Yes, it was discussed, although I believe I did most of the talking.

Q I'm sorry?

A Although I did most of the talking, if that is a discussion.

Q Did Mr. Ebare say whether or not you could have time to pay it off?

A He told me I would have to take it up with Baldy.

Q Now, Mr. Keller, you testified in the grand jury, did you not?

A Yes.

Q I am going to show you page 16 and the top of page 17 of

your grand jury testimony and ask if that refreshes your recollection. Does that refresh your recollection, Mr. Keller?

A Yes, it does.

Q What did Mr. Moore tell you?

A Just a second.

MR. SHANAHAN: Your Honor, I have no objection to the question, but I don't think it -- the answer ought to be read out of a book.

He can question, first of all, does it refresh your recollection, then if it does --

THE COURT: Yes, sustained.

MR. FISHER: Your Honor, I asked the question, what did Mr. Moore tell you, that is what I asked. I didn't ask --

THE COURT: Well, all right. He isn't going to read it out of a book. Take the paper away from him.

MR. FISHER: Yes, sir.

Q Mr. Keller, what did Mr. Moore tell you?

A I don't remember saying that, I will tell you right now.

THE COURT: Well, do you know what he said?

THE WITNESS: He told me to see Baldy, that is what I keep saying.



THE COURT: All right. Did he say anything else?

THE WITNESS: It says there, it says, "Okay, see Baldy."

THE COURT: I am not asking you what it says there. Did he say anything else?

THE WITNESS: Not to my -- he told me to go ahead and see Baldy.

THE COURT: All right.

Now, read that and ask whether it refreshes your recollection, your memory, whether he said anything else, and if so, what he said.

THE WITNESS: It says here, "Okay --"

THE COURT: Not what that says.

Read it to yourself.

Did you talk with Mr. Fisher before you took the stand?

In other words, did he prepare you to testify? It is obvious that he didn't. Go ahead. Read it to yourself.

BY MR. FISHER:

Q Does that refresh your recollection as to what Mr. Ebare said, yes or no?

A No. It refreshes my memory to what I said there, and I will repeat that again.

MR. FISHER: Your Honor, may I approach the bench, please?

THE COURT: I don't see any need to approach the bench. There are ways to proceed. It is up to you to know. Proceed.

MR. FISHER: All right. Then, I request permission to confront the witness with his prior statement.

THE COURT: All right.

BY MR. FISHER:

Q Did you testify before the grand jury on May 28th, 1975?

A Yes, I did.

Q All right. And were you asked these questions and did you give these answers, starting at the bottom of page 17 -- no, line 13:

"Q Are you saying that Ebare was nice to you about it or was he upset that you owed him the money?

"A I would say he was probably upset."

MR. SHANAHAN: I object to that, if the Court please. It is not a proper form of a question.

THE COURT: Overruled.

MR. SHANAHAN: It is not contradictory to any testimony that he has given.

THE COURT: Overruled. Proceed.



BY MR. FISHER:

Q "Q You are saying that Ebare was very nice to you about it or was he upset that you owed him the money?"

MR. SHANAHAN: Objection.

THE COURT: Overruled. Please don't interrupt, Mr. Shanahan. Let him answer the question, then we will strike it if it is wrong.

BY MR. FISHER:

Q "A I would say he was probably upset."

How do --

THE COURT: Please start it from the beginning. It was interrupted.

Q Line 13, page 17:

"Q Are you saying that Ebare was very nice to you about it, or was he upset that you owed him the money?

"A I would say he was probably upset.

"Q And how did he show his upset condition, or how did he manifest his condition?

"A The only thing he said was, if I had won, he would have paid me right then, and he wanted to know why I couldn't pay him right then.

"Q And then you explained that to him, right?

"A Yes.

"Q And then what did he say?

"A Well, he said that I should pay Baldy or Czerwinski

I know what you are looking for, and I just can't remember anything."

And then on page 16, one more question --

THE COURT: Wait a minute, one at a time.

Is that what you testified to before the grand jury?

THE WITNESS: Yes.

BY MR. FISHER:

Q That is your testimony --

MR. SHANAHAN: Now may I register my objection?

THE COURT: Yes.

MR. SHANAHAN: I would object on the ground that these questions, even though asked before the grand jury, are completely improper in form and to read the grand jury testimony in this fashion is an improper and incompetent method of approaching it.

THE COURT: Overruled. Inconsistent statement he was confronted with.

BY MR. FISHER:

Q Do you claim today that that is truthful testimony before the grand jury?

A Yes.

Q All right. Is that an accurate description of what happened between you and Mr. Kbar?



A Yes.

Q Mr. Keller, when you placed bets with Mr. Czerwinski, did you use the line that Mr. Czerwinski gave you to place the bet?

A Yes.

Q Did you ever use the line from the television to place a bet with Mr. Czerwinski?

A No.

Q Now, what is the time that you began to build up this debt? Was that around super bowl time, 1970 --

THE COURT: This isn't proper redirect examination.

MR. FISHER: Your Honor, I believe on cross they covered the debt and they --

THE COURT: You brought this out on direct. You are not going to go all over his direct testimony again, Mr. Fisher.

MR. FISHER: No, this is not repetitive, your Honor. If your Honor will indulge me a few questions, this is not cumulative.

THE COURT: Very few.

BY MR. FISHER:

Q What was the reason that you were anxious to have this debt settled up or anxious to have time payments?

THE COURT: Sustained. Although, voice

your objection, Mr. Shanahan. I saw you rise.

MR. SHANAHAN: I am satisfied with your ruling.

THE COURT: It seems like I am making the objection, and I'm not.

BY MR. FISHER:

Q Did Mr. Czerwinski ever cut you off because you had attained your credit limit?

A When I owed the \$1800, or 16, or whatever it was, I couldn't bet any more.

Q And is that why you wanted to obtain additional time to pay it off?

MR. SHANAHAN: I object to that again.

THE COURT: Sustained. We are not interested in the operations of the man's mind.

BY MR. FISHER:

Q After your meeting with Sam Ebare, were you subsequently allowed to place bets with Mr. Czerwinski?

A No.

Q You are saying you did not place any more bets for the super bowl or anything that year?

A That's right.

MR. FISHER: No further questions.



## RE CROSS-EXAMINATION

BY MR. SHANAHAN:

Q Mr. Keller, you looked at your grand jury testimony before that portion of it was read to you by Mr. Fisher, is that right?

A Yes.

Q All right. Now, what he read to you, was it preceded by this statement by you:

"I believe that this is what was said.

I am not absolutely certain. You are talking five months ago."

Then the question interrupting you:

"Q Well, I don't expect you to remember the exact words, but is that the substance of what was said?

"A I believe so. I am not trying to give you negative answers. I am trying to come as close as I can to telling you the way it was.

Was that also a part of your grand jury testimony?

A Yes, it was.

Q And it immediately preceded what counsel just read to you?

A If you say so.

MR. SHANAHAN: That's all.

## REDIRECT EXAMINATION

BY MR. FISHER:

Q Mr. Keller, did I force or coerce any testimony from you?

A No.

Q Did I ever tell you what to say?

A No.

MR. FISHER: No further questions.

THE COURT: You are excused.

MR. FISHER: The Government calls

Sam Visconti.

SAM VISCONTI,

having been called as a witness in behalf of the Government,  
was first duly sworn according to law and testified as follows:

## DIRECT EXAMINATION

BY MR. FISHER:

Q Where do you live, Mr. Visconti?

A Cicero, New York.

Q And are you acquainted with a man named Samuel Ebare?

A Yes, sir.

Q Do you see him here in the courtroom today?

A Yes, sitting in the back, in the blue suit.

Q Which man?

A The blue suit.

MR. FISHER: Let the record reflect  
the Defendant Ebare has been identified.



Q Are you acquainted with the defendant, Joseph D'Agostino?

A Yes, sir.

Q Is he in this courtroom? Could you stand up and look all around, please, so you see everyone?

A I don't see him.

THE COURT: Step down there and take a good look.

A Oh, yes, in the brown suit.

MR. FISHER: Let the record reflect the Defendant D'Agostino has been identified.

THE COURT: Yes.

Q Have you known these two men for quite some time?

A Three or four years.

Q Now, during the football season, 1974-75, that is, fall of '74, winter of 1975, did you have occasion to place any bets?

A Yes, sir.

Q Did you place any bets with Sam Hoare?

A Yes, sir.

Q Approximately what was the frequency of your betting?

A Well, football would be on the weekends, on the weekends.

Q And how much money did you bet on any particular game, generally?

A It would vary, 22, up to 35.

Q And what was the total weekly betting, on the average?

A Couple hundred, maybe.

Q Now, did you bet by telephone or in person?

A Telephone.

Q And how did you get the telephone number to call?

A They would call me and give me the number.

Q Originally, when you first started betting, who gave you the telephone number?

A I don't remember.

Q Exhibit 3530, page 20, Mr. Visconti, did you have occasion to testify before the grand jury on May 29th, 1975?

A Yes, sir.

THE COURT: You don't need to say that.

Just show him the paper and ask if it refreshes his recollection.

Q I show you page 20 and ask you to read that to yourself, please.

A (Witness looking at exhibit.)

Q Does that refresh your recollection? Yes or no.

A No.

Q It does not refresh your recollection.

MR. FISHER: Your Honor, I request permission to confront this witness with a prior inconsistent statement.

THE COURT: I don't think you have laid an appropriate foundation.



BY MR. FISHER:

Q Mr. Visconti, did Mr. Ebare give you the original telephone number?

A I don't remember, I honestly don't.

Q Did you remember in the grand jury?

A No. I said --

MR. FISHER: Now I have a prior inconsistent statement on page 20.

THE COURT: Come up here and have lesson one on the rules of evidence.

(Off-the-record discussion at bench.)

THE COURT: Back on the record.

MR. FISHER: Your Honor, I make the representation to the Court --

THE COURT: Make your foundation.

BY MR. FISHER:

Q Mr. Visconti, did you recall while testifying in front of the grand jury who, if anyone, gave you the telephone number to call?

A The first number?

Q Yes.

A I don't recall.

Q You don't recall who gave you the number?

A No.

Q I am asking you, did you recall in the grand jury who gave

you the number?

MR. SHANAHAN: I object to, in that form, as part of the direct examination.

THE COURT: Sustained.

MR. FISHER: Your Honor, I represent surprise to the Court, and I request that I be permitted to confront him with the statement.

THE COURT: I ruled on it. Lay a foundation.

BY MR. FISHER:

Q Mr. Visconti, where did you get the line for your betting?

A Where did I get the line?

Q Yes.

A Joe would call me.

Q Is that referring to the Defendant D'Agostino?

A Yes, sir.

THE COURT: How long had you known D'Agostino?

THE WITNESS: About three or four years.

THE COURT: Were you friends?

THE WITNESS: No, just business.

THE COURT: You made bets with them?

THE WITNESS: Well, through him or with him, I don't know.

THE COURT: Did you call him Joe?



THE WITNESS: Do I call him Joe?

THE COURT: Yes.

THE WITNESS: Yes, sir.

THE COURT: How long did you call him Joe?

THE WITNESS: Since I met him, I guess.

BY MR. FISHER:

Q Did you ever have a discussion with Sam Ebare about betting with Joseph D'Agostino?

A I don't know what you mean by that.

Q Pardon me?

A I don't know what you mean by that.

THE COURT: I think you have established the possibility. Now you can cross-examine.

MR. FISHER: Thank you, your Honor.

BY MR. FISHER:

Q Referring to page 20 of the grand jury minutes, Exhibit 3530, Mr. Visconti, when you testified before the grand jury, were you asked these questions and did you give these answers:

"Q You met who?

"A I met Sam.

"Q And did Ebare at that time ask you to start placing bets with him, or did he tell you he was a bookmaker?

"A He didn't ask me. I don't remember how it came about, actually, I don't remember.

"Q Was it a result of direct conversation between you and Ebare?

"A Yes.

"Q And Ebare told you that he was a bookmaker and you could place bets with him, or something like that?

"A Yes.

"Q And you didn't hear it through any third party, you heard it directly from Ebare?

"A Yes, if I remember right.

"Q And how did Ebare instruct you as to how to place your bets?

"A Well, through the phone, with a phone.

"Q And you were told to call up somebody and place your bet?

"A He would give me a number.

"Q Was it a local, Syracuse number?

"A Well, they change them every so often."

Now, the question is, did you give that testimony before the grand jury?

A Yes, sir.

Q Was it truthful when you gave that testimony before the grand jury?

A Yes, sir.

Q You were under oath at that time?

A Yes, sir.



Q Is it truthful today?

A Yes, sir.

Q Did you ever get into debt through your betting with Mr. Ebare and D'Agostino?

A Yes, sir.

Q Approximately what was the maximum amount you ever got into debt?

A Five or six hundred.

MR. SHAWHAN: I object, unless we have some time fixed here.

MR. FISHER: Your honor, I will rephrase the question.

Q During the football season, 1974-1975, what was the most that you ever got into debt with the defendants, D'Agostino and Ebare?

A About five or six hundred.

Q And did you make arrangements to pay it off?

A Yes, sir.

Q Who did you make arrangements with?

A Who?

Q Yes.

A Joe, I guess, would come and collect.

Q How long did it take to pay it off?

MR. SHAWHAN: Objection as immaterial.

THE COURT: Sustained.

MR. FISHER: No further questions.

THE COURT: We will take our luncheon recess at this time.

Don't talk about the case, don't let anybody talk about it with you.

(After a luncheon recess, the trial continued as follows:)

(Sam Visconti resumes witness stand.)

CROSS-EXAMINATION

BY MR. SHANAHAN:

Q Mr. Visconti, you tell us you live in Cicero, New York, outside of Syracuse?

A Yes, sir.

Q And what is your occupation?

A My brother and I operate a supermarket.

Q You operate a supermarket?

A Yes, sir.

Q And is that a family business that is operated by you and your brother?

A Yes.

Q And where is that business located?

A Route 11 in Cicero.

Q In Cicero?

A Yes.

Q And this is a supermarket, store?



A Yes.

Q And was that your business back in 1974, 1975?

A Yes.

Q How long have you been in that business, Mr. Visconti?

A Oh, about 25 years.

Q 25. Now, you testified before the grand jury in this matter back about a year ago at this time, would that be right?

A Yes.

Q That would have been in May or June of 1975?

A Yes.

Q And before that, before 1975, how long had you known Sam Ebare?

A Before '75?

Q Yes.

A Probably a couple years.

Q Wasn't it, as a matter of fact, three years before you gave your testimony before the grand jury?

A It might have been three. I am not very good with dates.

Q I see. Well, just to get that straight at the outset, I call your attention to page 19 of your grand jury testimony. It relates to a period of time you knew Mr. Ebare before you gave that testimony. Does that refresh your recollection?

A Well, yes, that's about right, three years.

Q Three years. So that you would have become acquainted with Mr. Ebare then in the year of 1972, would that be right?

A Approximately.

Q All right. And you have indicated that in the fall of 1974 and early winter of '75, the football season of that year, you were betting, would that be right?

A Yes.

Q All right. And how long before that had you been betting?

A With Mr. Ebare?

Q How long had you been betting, first of all?

A How long? A long time, years.

Q A matter of years?

A Yes, sir.

Q Had you first bet with Ebare in 1972?

A Approximately, yes.

Q And when you testified before the grand jury as to how you started betting and your talk with Ebare, was that something, as a matter of fact, that happened back in the year of 1972 that you were telling about?

A Yes.

Q All right. Now, when you were betting in 1974 and '75, because that is what we are interested in here, were you making your bets on the telephone?

A Yes.



Visconti, by the Government, cross

Q And when you called on the telephone, do you know to whom you talked?

A Yes.

Q And who did you talk to?

A Joe.

Q That is, Joe D'Agostino?

A Yes.

Q And in these conversations with him, you would place your wager with him, would you?

A Yes.

Q And now, of course, if you lost on your wagers, it would be necessary for you to pay, would that be right?

A Yes.

Q And to whom did you make payments when you lost in '74 and '75?

A Joe would usually collect.

Q All right. And in the event, Mr. Visconti, that you won, you would be entitled to receive money, of course, for winning the wagers, and by whom were you paid in '74 and '75?

A Joe, mostly.

Q Now, you indicated, I believe, to Mr. Fisher when he was asking you questions just before lunch, that at the end of the 1974-75 season, that you had lost between five or six hundred dollars, would that be right?

A Yes.

Q And now, you were asked about these same matters before the grand jury that we are asking you about here today?

A Yes.

Q Is that right?

A Yes.

Q Okay. Now, in 1974 and 1975, you indicated to us that when you would lose, you would pay Joe D'Agostino the amount you lost?

A Yes.

Q In the event you won, he would pay you your winnings, would that be right?

A Yes.

Q Did you at any time in the years of '74 and '75, the football season of those years, talk to Ebare on the subject of wagers?

A I don't recall, I may have.

Q Well, let me ask you this: When you testified before the grand jury, page 26, were you asked these questions and did you give these answers --

MR. FISHER: Objection.

MR. SHANAHAN: I was about, your Honor, to read questions and answers.

THE COURT: What is his answer to them now?



MR. SHANAHAN: I beg your pardon?

THE COURT: What is his answer to the same question now?

MR. SHANAHAN: Well, all right.

Would you read back my last question and answer, please?

(The pending question and answer were read by the reporter.)

THE COURT: All right, go ahead.

Overruled.

BY MR. SHANAHAN:

Q Were you asked these questions and did you give these answers:

"Q What about Sam?"

Sam, referring to Moore.

"What about Sam?"

"A I never saw him.

"Q Didn't he give you the phone number every week?

"A No, Joe did.

"Q Was it in the beginning that Sam gave you the new telephone number?

"A I don't remember. It was Joe, I think."

Were you asked those questions and did you give those answers?

A Yes, yes.

Q And are those answers correct?

A Yes.

Q Now, you have indicated to us previously that you testified before the grand jury in May or June of 1975, and do you recall now when it was that you had last seen Sam Ebare before you testified before the grand jury?

A When I saw him?

Q When you would see him last before that.

A No, I don't recall.

Q Do you recall testifying before the grand jury that the last time you saw him was in a bowling alley, maybe last winter, do you recall exactly?

A That could be correct. I don't remember, I don't have it written down.

Q And do you recall saying that you had not talked to Ebare on the telephone for a year?

A Yes.

Q Or for a long time?

A Yes.

Q And that the person that you had talked to on the telephone was Joe D'Agostino?

A Yes.

Q And when you were before the grand jury, were you asked if Sam Ebare stopped at your store, your grocery store?

A He used to shop there occasionally, yes.



Q And do you recall how long it was since he had been in there at the time you testified before the grand jury?

A No, I don't, sir.

Q Do you recall saying that he hadn't been there in a long time?

A Yes.

MR. SHANAHAN: I think that's all.

Thank you.

CROSS-EXAMINATION (Cont'd)

BY MR. RINALDI:

Q One question, please, Mr. Visconti.

A Yes, sir.

Q I think you stated that sometime in 1974, that you lost a certain amount of money that you owed Joe?

A Yes.

Q Now, you paid off most of that, did you also testify to?

A Yes.

Q Was Joe ever belligerent toward you in any way, threaten you for the money?

A No.

Q Didn't you and he have a very pleasant relationship?

A Well, yes.

MR. RINALDI: Thank you.

## CROSS-EXAMINATION (Cont'd)

BY MR. WEINSTEIN:

Q Now, Mr. Visconti, you have testified that your dealings with reference to your gambling were with Joe and Sam, is that correct?

A Yes.

Q Now, there came a time when you lost a certain sum of money, I believe on direct you testified somewhere in the neighborhood of five or six hundred dollars, isn't that true?

A Yes.

Q And when you lost this money, it was Joey who you paid it to, isn't that correct?

A Paid it to me.

Q No, when you lost money, who did you pay?

A Joe.

Q All right. Did Joe have anybody with him when you paid him?

A No.

Q And in 1972, did you meet personally with Mr. Ebare or did you talk to him over the phone?

A Did I meet personally?

Q Yes.

A I met him personally in the bowling alley, I think it was.

Q I'm sorry?

A In the bowling alley.



Q And when you met with him in the bowling alley, he was alone, was he not?

A I don't know. He was at the bar.

Q Okay. Now, in the course of your making your wagers, you would telephone a number, isn't that true?

A Yes.

Q And who was the person on the other end of the phone when you made the call, when you called your bet in?

A Joe.

Q And did there come a time when you also received line information concerning --

A Yes.

Q And who gave you that information?

A Joe.

Q Joe. Now, you testified at the grand jury that you do not know Michael Beach, isn't that correct?

A No, I don't.

Q It is not correct?

A No, that's correct, I do not know him.

Q You don't know Michael Beach?

A Who is Michael Beach?

Q This gentleman here in the red shirt.

A No.

Q You never saw him in the company of Sam Ebare?

A Not that I can recall.

Q You never paid him a dime, did you, Mr. Visconti?

A No.

Q He never asked you for a dime, did he?

A No, I don't know, I never saw him before.

Q You never saw him before.

MR. WEINSTEIN: Thank you.

MR. PALMIERE: No questions.

MR. RYDELEK: No questions.

MR. PAPPAS: No questions.

REDIRECT EXAMINATION

BY MR. FISHER:

Q Mr. Visconti, during 1972, 1973 and 1974 and up to your grand jury testimony, did you bet regularly?

A Yes.

Q During football season?

A Yes.

Q With Sam Ebare?

MR. SHANAHAN: I object to it in that form, if the Court please.

BY MR. FISHER:

Q Did you bet during those years with Sam Ebare?

MR. SHANAHAN: I object to it as not proper redirect and not proper in form.

MR. FISHER: Your Honor, I have another statement --



THE COURT: Sustained, the objection to the form of the question.

MR. FISHER: As leading?

THE COURT: It is leading, yes.

BY MR. FISHER:

Q Who did you place wagers with during this period of time?

A I called on the phone, talked to Joe.

Q Did you talk to anyone else?

A No.

Q I show you page 22 and 23 of your grand jury testimony and ask you if this refreshes your recollection. Does this refresh your recollection?

A Yes.

Q Now, did you in fact bet with anyone else during that period of time?

A Yes.

Q Who did you bet with?

A Well, a couple other bookies. It's not relative to this case, I don't think it is.

MR. SHAWAHAN: I can't hear.

A I say, I bet with a couple of other bookies, but I don't think it is relative to this case, is it?

BY MR. FISHER:

Q Did you bet with anyone in this courtroom during this period of time, other than Joseph D'Agostino?

A I bet through him. I don't know who booked, who was the bookie. We did the transacting. I don't know who was the bookie.

Q Did you bet with Sam Moore?

A Directly, no.

MR. SHANAHAN: Pardon me just a minute, your Honor. I wonder if I could approach the bench with Mr. Fisher at this point?

THE COURT: Sure.

(Off-the-record discussion at bench.)

MR. FISHER: No further questions.

MR. SHANAHAN: I have nothing further.

MR. WEINSTEIN: Nothing further.

THE COURT: You are excused.

THE WITNESS: Thank you.

MR. FISHER: I call Mr. Kevin O'Brien.

KEVIN O'BRIEN,

having been called as a witness in behalf of the Government, was firstduly sworn according to law, and testified as follows:

DIRECT EXAMINATION

BY MR. FISHER:

Q What is your occupation, sir?

A I am a special agent with the Federal Bureau of Investigation.

Q And where are you assigned?



O'Brien, by the Government, direct

A Syracuse, New York, resident agency.

Q How long have you been a special agent?

A A little over five years.

Q Now, on January 20th, 1975, were you on duty at Syracuse, New York?

A Yes.

Q And did you have occasion to conduct a search on that date, pursuant to a search warrant?

A Yes, I did.

Q Could you tell us what you did and upon what you executed the search warrant?

A I believe it was on an automobile in front of the residence of 816 Hillside Drive, Syracuse, New York, is, I think, where the automobile was located. Pursuant to the search warrant, I seized certain items in the car.

MR. SHANAHAN: Pardon me. Would you keep your voice up? It is difficult to hear. Would you mind repeating that answer?

A On the day in question, I believe the address was 816 Hillside Drive, Syracuse, New York, where the car in question was located, and pursuant to the search warrant, I seized certain items which were located in the car.

BY MR. FISHER:

Q Okay. Showing you Exhibit 3510, is that a report of that day's activities?

A Yes.

Q And who, if anyone, was in the car when you executed the warrant?

A The car was there when I did execute the warrant.

Q Did you see anyone in the car just prior to executing the warrant?

A Yes, I did.

Q Who did you see?

A I believe the individuals were one Samuel Ebare and Michael Beach.

Q Do you see these individuals in the courtroom today?

A Yes, I do.

Q Could you identify them; first Mr. Ebare.

A Mr. Ebare is sitting to my right in the blue suit, up against the wall.

MR. FISHER: Let the record reflect the Defendant Ebare has been identified.

A (Continuing) Mr. Beach is sitting directly, or a little bit off to my right with a red shirt on.

MR. FISHER: Let the record reflect the Defendant Beach has been identified.

Q Now, your search was upon the car, is that right?

A Yes.

Q What kind of automobile was this?

MR. BRADABA: What was the question, please?



O'Brien, by the Government, direct

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MR. FISHER: What kind of an automobile.

A It was a Cadillac, late model Cadillac, light green in color.

Q I show you Government's Exhibit 5 and ask you if you recognize that.

A Yes, I do. These were the items I seized out of the car.

MR. FISHER: I move it into evidence, your honor.

MR. SHAFER: Your Honor, so far as the offer of the exhibit is concerned, I have no objection to the exhibit itself.

THE COURT Received.

MR. FISHER: No further questions.

CROSS-EXAMINATION

BY MR. SHAFER:

Q Mr. O'Brien, you indicated that on this date that you speak of, you searched this vehicle pursuant to a search warrant, is that right?

A Yes, sir.

Q And this automobile, at the time that you made the search, was located somewhere near the premises at 816 Hillside Avenue?

A I believe that address is correct.

Q And Hillside Avenue is located in the City of Syracuse, is it not?

A It is within the City of Syracuse, yes.

Q Do you know what area of the city it would be in? That is, is it on the north side or --

A I can't positively state, sir.

Q The premises at 616 Hillside Avenue, what is that, a business place, a residence, or what?

A I believe it was a residential area, and the car was located in front of that.

Q Do you know who lived at that location?

A No, sir.

Q Was that address simply a reference number that you took in order that you would later be able to state the location of where you searched the car?

A That's correct.

Q The address itself had no real significance to the issues?

A Not that I am aware of, no.

Q All right. Now, these articles that are part of this Exhibit 5, these were found whereabouts in the car, if you can tell us.

A Specifically, they were all found in the car, but the specific areas of the car, I can't tell you, unless I refer to my notes right here. I can tell you exactly.

Q Well, all right. Perhaps we could go at it this way, and then we won't have to double up on everything.

One of the articles that was found is entitled



"Weekly College and Professional Football Schedule covering a period of three weeks ending Monday, November 25th," would that be correct?

A That's what it says there, yes.

Q All right. And can you tell us from examining that particular part of the exhibit, whether that is a book that is issued in the year 1974 or when, approximately when?

A Offhand, on the front, it doesn't have a date as far as year is concerned.

Q But in any event, it deals with the schedule of college and professional football games for 30 weeks, ending November 25th, correct, on the face of it?

A That's what it says here.

Q All right. And the date of your search is what?

A January 26th, 1975.

Q All right. And was that exhibit in about the condition we see it here?

A Yes.

Q Now, with reference to the sheets that would appear to be identical, these sheets that I am holding in my hand and a part of that exhibit of the heading, "Weekly Basketball News and Schedule published by Schwartz Publications, 6000 Camp Bowie Boulevard, Fort Worth, Texas," and it is covering, apparently, according to the

title, for games ending Sunday, December 22nd, 1974. Would that be correct?

A That's correct.

Q And would you just thumb through those, and let me ask you if what you have in your hand, they are all identical forms to what we have just described?

A They appear to be.

Q And none of those sheets appear to be filled out in any manner on either side, would that also be correct?

A Yes, sir.

Q So that these sheets were outdated by approximately a month at the time you made the search and found them in the vehicle, correct?

A According to the date I made the search, yes.

Q All right. Now, I am now holding in my hand, another portion of that exhibit that is entitled "Weekly Football News and Schedule Game, ending Monday, November 25th, 1974."

That again is a similar type of sheet listing a schedule of, apparently, college and professional teams, would that be so?

A It would appear so.

Q That is likewise blank?

A Yes, sir.

Q And it covers, according to its title, games ending



Monday, November 25th, '74, correct?

A Yes, sir.

Q And then finally, I think we have here several forms that are entitled "The Bowl Schedule, weekly football news and schedule published by Sports Publications, 6000 Camp Bowie Boulevard, Fort Worth, Texas. The final 1974 football schedule."

Would that be correct, so far as these six separate sheets would be concerned?

A That is it, yes.

Q And, apparently, from an examination of that schedule, it would appear that the last game that is listed would be January 20, presumably of 1975, would that be so?

A I can't say positively, but --

Q Well, it would appear from looking at it briefly that most of the games that are listed during the month of December 1974 and some of the games on the reverse sheet extended to January of '75?

A It would appear, sir, because it is headed "Final 1974 football schedule." So I would assume.

Q And those forms that you are holding in your hand again appear to be completely blank, do they not?

A Yes, sir.

## CROSS-EXAMINATION (Cont'd)

BY MR. WEINSTEIN:

Q Mr. O'Brien, did you have the vehicle in your surveillance prior to the search?

A Not that I can remember.

Q All right. And who did you say was in the vehicle?

A I believe it was Mr. Ebare and Mr. Beach.

Q Now, this wasn't before the search, was it?

A When are you referring to?

Q In other words, did there come a time where men got into the car?

A I was one of the men who went into the car.

Q No. Did there come a time when one or two of the defendants got into the vehicle?

A They were both in the vehicle when it was stopped.

Q Okay. Did you see when they initially had gotten into it?

A I can't recall.

Q All right. Now, these exhibits, they appear to be in a worn condition. Is this the exact way they appeared to you on the date in question when the search was conducted?

A I can't recall if that is exactly how they looked.

Q Are there any names or any addresses on any of the exhibits?

A I would have to review them again to see. I can't recall.

Q Well, I believe you said before they were completely



blank, isn't that --

A No, I didn't. Mr. Shanahan did. The only thing that appears on them are my initials and the date they were received.

Q Nothing else that you can see?

A Nothing that I can see.

Q Is this vehicle registered to Richard Michael Beach? Yes or no.

A I don't know.

Q You don't know?

A I don't know.

Q Okay. Now, did you participate in the preparation of Exhibit 3510?

A What is Exhibit 3510?

Q That is the report covering the search.

MR. WEINSTEIN: May I approach the witness, your Honor, and show it to him?

THE COURT: Yes, sure.

A Yes, I did.

Q Now, with reference to this report, A, B and C, the blank line sheets set forth at A, 17, where were they located in the vehicle?

A May I refer to my copy here?

Q Certainly.

A Item A would be 17 blank line sheets which were located

on the back rear of the car, on the driver's side.

Q That was on the driver's side?

A Back rear of the car. Item No. B would be one blank line sheet located on the driver's side on the floorboard in the front.

Q And C?

A C would be one blank line sheet located underneath the back seat.

Q At which side of the vehicle, do you remember?

A I don't remember.

Q But with reference to A and B, those exhibits were located on the driver's side of the vehicle?

A Yes.

Q Which side of the vehicle was Mr. Beach sitting on?

A Mr. Beach was sitting on the passenger side of the vehicle, if I recall correctly.

MR. WEINSTEIN: Thank you.

MR. PAPPAS: No questions.

MR. RYDELEK: I have one or two.

CROSS-EXAMINATION (Cont'd)

BY MR. RYDELEK:

Q Mr. O'Brien, these schedules that you are referring to are commonly sold in the newsstands around town?

A I don't know.

Q Well, they are not illegal in and of themselves?



MR. FISHER: Objection. The question was, are they illegal.

THE COURT: Sustained.

MR. RYDELEK: That's it.

MR. FISHER: No further questions.

THE COURT: You are excused.

MR. FISHER: I call Mr. Looney.

PHILLIP J. LOONEY,

having been called as a witness on behalf of the Government, was first duly sworn according to law and testified as follows:

DIRECT EXAMINATION

BY MR. FISHER:

Q What is your occupation, sir?

A I am a special agent of the FBI.

Q How long have you been so employed?

A Five years.

Q And what office are you assigned to?

A Syracuse, New York, resident agency.

Q For about how long?

A About three and a half years.

Q Now, on January 20th, 1975, did you have occasion to participate in the execution of the magistrate's search warrant?

A Yes, I did.

Q And referring to Exhibit 3509, I will show you, is this

a report of --

MR. SHANAHAN: Pardon me. What was that number?

MR. FISHER: 3500.

Q Is that your report of the events of that day?

A Yes, it is.

Q Now, could you tell us what happened that day?

MR. WEINSTEIN: Your Honor, at this time it would facilitate to save time, I would like to offer a continuing line of objection to all questions with reference to the search of Richard Michael Beach based on the ground that there was no probable cause for the search and that it was illegal and in violation of his rights.

THE COURT: Overruled.

BY MR. FISHER:

Q Could you tell us what happened that day, please?

A Yes. On January 20th, Michael Beach had exited the vehicle. I approached him, identified myself, told him that I had a search warrant for his person, advised him of his rights orally and searched his person.

Q Now, what vehicle was he exiting?

A He was exiting a Cadillac.

Q And where was this Cadillac located?

A It was on Highland Street.



Q Now, this person, Michael Beach, do you see him in the courtroom today?

A Yes, I do.

Q Could you point him out to us?

A Mr. Beach is wearing a red short-sleeved shirt.

Q Now, I would like to show you what has been marked Government's Exhibit 6 and ask you if you recognize those items.

A Yes, I do.

Q And what are they?

A These are the items that I seized from Mr. Beach's person, pursuant to the search warrant.

MR. FISHER: No further questions.

I move Government's Exhibit 6 into evidence, your Honor.

MR. WEINSTEIN: Your Honor, may I --

THE COURT: Yes.

CROSS-EXAMINATION

BY MR. WEINSTEIN:

Q Where did you conduct this search, Mr. Looney?

A Outside of a vehicle on Highland Street -- I'm sorry.

May I refresh my recollection? I think I --

Q Yes.

A Hillside Street.

Q And is that near the residence of Mr. Beach, if you know?

A Not that I know of.

Q And does the packet which you have in your hand contain all of the items which you seized from the person of the Defendant Beach?

A I would have to check them against the list. I can't seem to find a business card for D. J.'s Roaring 20 Lounge. That may be in the red address book. Let me check the inside of that.

Yes, here it is, D. J.'s --

MR. WEINSTEIN: Your Honor, may I approach the witness?

THE COURT: Yes.

MR. WEINSTEIN: Your Honor, may I have the opportunity to look at this briefly? It is the first time I have seen it.

MR. FISHER: It is not the first time you have seen it.

MR. WEINSTEIN: Well, I mean, to examine it.

Your Honor, I would post my objections on the grounds previously stated with the commencement of this man's testimony with reference --

THE COURT: I overruled you on that. You have a standing ruling on it. You don't need to make it again. If I understand you correctly.



MR. WEINSTEIN: Yes, sir.

THE COURT: All right.

BY MR. WEINSTEIN:

Q Mr. Looney, how long have you been an agent with the Federal Bureau of Investigation?

A Shortly over five years.

Q And have you been working on gambling cases during that period of time?

A Occasionally.

Q Occasionally. Now, Mr. Beach was out of the vehicle when you conducted your search, was he not?

A That is correct.

Q And where were these items found on his person?

A To the best of my recollection, Mr. Beach was holding one of his arms inside a topcoat, and these items were under the topcoat being held up by his hand.

Q They were held by his hand, isn't that correct?

A To the best of my recollection.

Q Okay. They weren't in his pockets or any type of crevice within his garments, they were being held by his hand underneath his topcoat, isn't that correct?

A Some items, I believe, were retrieved from Mr. Beach's pockets as we conducted a thorough search of his person.

Q Would I be correct that that was the address book and -- well, I will withdraw that. With particular reference

to a weekly sports journal, do you recall where that was taken from him during the search?

A To the best of my recollection, that was being held under his coat.

Q Okay. Now, what is the date on this?

A The date that I seized it is January 20th, '75.

Q Okay. And it was for games from the week previously?

A It says January 13 through Sunday, the 19th.

Q And I don't know what these are called. Can you tell me what this is?

A Well, I identified it on my report as pieces of paper with various team names on. I am not an expert.

Q Neither am I, sir. That is what we will call it. Do you remember where these were on his person? Were they under his arms?

A To the best of my recollection, they were wrapped up inside of this journal.

Q Okay. So, to the best of your recollection, the sports journal and the sheets with the names on it were like this, held under his coat, isn't that correct, to the best of your recollection?

A To the best of my recollection, yes.

Q And these items, with his license or registration, was that in his wallet?

A I believe that was in the red address book.



Q And these other little papers with men's and women's names and addresses on them and phone numbers, these were all in his wallet, isn't that correct?

A I don't think he had a wallet, because if he did, we would have seized it.

Q They were in his possession?

A They were in his address book or in his pocket.

Q Did you have a chance to look at the address book after you seized it?

A Yes, I did.

Q Okay. And was there anything inside the address book other than the pages that I am showing you now?

A I can't recall.

Q And these just have the names of men and women and the phone numbers, don't they?

A Well, it has names and telephone numbers. I don't know whether they are men or women.

As you saw, it has names of restaurants.

Q Right. Now, as we look through this, do you see the -- it is just names and phone numbers, there are no amounts written next to the names, is there?

A Well, we haven't gone through all the papers, so I can't tell.

Q Okay.

A Also there is --

Q Names of teams?

A It is names of teams with numbers, obviously.

Q On one page?

A One page. Wait a second. Go a little slower.

Q Okay. Wouldn't this best be described as a single, bachelor's address book?

MR. FISHER: Objection. Calling for a conclusion.

THE COURT: Sustained.

BY MR. WEINSTEIN:

Q Now, I also have here, Mr. Looney, two sheets. Would you identify them for us?

A Yes. They are two pieces of white, lined paper with teams and names.

Q Is this printed or is it handwritten?

A It is handwritten.

Q Okay. Did you ever have this examined in comparison for a handwriting example of the defendant to find out who wrote this?

A I, personally, did not.

Q So you do not know who wrote this up?

A No, I don't know who wrote it up.

Q Okay. It could have been anyone?

A It could have.

Q Now, the way this is folded, would I be correct in



assuming that this also was part of the packet which contained these sports journal and sheets, the way it is folded, it seems to go together?

A To the best of my recollection, yes.

Q All right. And these were not in his pockets, they were like this, isn't that correct?

A They were being held under his coat in his possession.

Q Now, did you see him immediately prior to his exiting the vehicle?

A I observed Mr. Beach in the vehicle from another vehicle.

Q All right. Now, did you see him pick these up off the seat, or is the first time you saw them when they were under his coat?

A The first time I saw them was when I removed them from under his coat.

Q Now, you are familiar that Mr. Beach, as some of the other defendants, were under surveillance concerning gambling operations, isn't that correct?

A That's correct.

Q Now, how much money did Mr. Beach have on his person when you arrested him?

A I didn't arrest him.

Q Not arrested, when you searched him.

A I searched him, and he had, according to my report here, four one dollar bills in United States currency.

Q He had \$4 on him?

A \$4 on his person.

MR. WEINSTEIN: No further questions.

MR. PALMIRE: No questions.

MR. WEINSTEIN: Hold on.

THE COURT: Any redirect, Mr. Fisher?

MR. FISHER: They need more time,  
your Honor.

MR. WEINSTEIN: Your Honor, could I have  
a moment to consult with co-counsel?

THE COURT: Yes.

(Defense attorneys confer.)

MR. WEINSTEIN: Your Honor, may I ask  
the witness a few additional questions?

THE COURT: Yes.

MR. WEINSTEIN: Thank you, sir.

BY MR. WEINSTEIN:

Q You conducted your search pursuant to the search warrant,  
isn't that correct?

A That's correct.

Q Now, do you know where the Defendant Beach was going when  
you approached to stop him?

A I didn't stop the vehicle.

Q Not the vehicle, him, personally.

A I have no idea where he was going.



Q You have no idea where he was going?

A I, personally, have no idea where he was going.

Q Now, do you know whether or not he was intending at that time to meet with anyone?

MR. FISHER: Objection. Calling for a conclusion.

THE COURT: Sustained.

MR. WEINSTEIN: Your Honor, may I approach the bench?

THE COURT: Just reframe your question, try that first.

MR. WEINSTEIN: Okay.

Q From your own recollection, was any other defendant in the immediate vicinity of Mr. Beach?

A Yes.

Q And who was that?

A Mr. Ebare.

Q And was the Defendant Beach walking away from him, or what was Mr. Beach doing?

A They were both outside the car.

Q Were they talking --

MR. FISHER: Your Honor, I object to this line of questioning.

THE COURT: Overruled.

MR. WEINSTEIN: Your Honor, the search

warrant ---

THE COURT: I just overruled the objection.

MR. WEINSTEIN: Okay.

THE COURT: Read the question back.

(The pending question read back by the reporter.)

A To the best of my recollection, they may have said a few words to each other during the process of the search.

MR. WEINSTEIN: Your Honor, at this time I would move that the evidence be suppressed on the basis that the search warrant requires --

MR. FISHER: Your Honor, if he is going to read from the search warrant, I request --

THE COURT: That has no place before the jury. I told you at the outset, you moved for a standing objection and I granted it to you. What is this all about?

MR. WEINSTEIN: Well --

THE COURT: I ruled against you on the point long before the trial. That is all there is to it.

MR. WEINSTEIN: Well, your Honor, this would be on an additional point. It would probably best be discussed in the absence of the jury.

THE COURT: I will hear you tomorrow



morning. Proceed.

Unless it calls for evidence on --  
come up here. I don't know what you want.

MR. FISHER: I can make this witness  
available any time, your Honor.

THE COURT: Come up here.

(Off-the-record discussion at bench.)

MR. WEINSTEIN: I have no further  
questions of this witness, your Honor.

MR. FISHER: No further questions.

The Government moves to admit Exhibit 6 into evidence.

MR. WEINSTEIN: Same objection that is  
before your Honor.

THE COURT: Overruled. You don't need  
to keep making that same objection. I wish you would  
save your breath and not make it. Once is enough.

(Government Exhibit 6 received in  
evidence.)

(Witness excused.)

MR. FISHER: The Government calls  
Leon Cook.

LEON COOK,

having been called as a witness on behalf of the Government,  
was first duly sworn according to law and testified as follows:

DIRECT EXAMINATION

BY MR. FISHER:

Q Where do you live, Mr. Cook?

A 214 Golf Road, Camillus.

Q What is your telephone number there?

A 468-2476.

Q During 1974-75, did you have another telephone number?

A Yes.

Q What was that?

A (No response.)

Q Was it 468-4661?

A That sounds familiar, yes.

Q What is your middle name, sir?

A Clyde Theodore.

Q Clyde Theodore?

A Right.

Q Now, are you acquainted with a man named Joseph D'Agostino?

A Yes, sir.

Q And is he in this courtroom?

A Yes, he is.

Q Could you point him out to us, please?

A The gentleman over there against the door.



Q On the far right?

A On my far right, yes.

MR. FISHER: Let the record reflect the Defendant D'Agostino has been identified.

THE COURT: Yes.

Q Are you acquainted with the Defendant Samuel Ebare?

A Yes.

Q Is he in this courtroom?

A Yes.

Q Could you point him out to us, please?

A Against the wall.

Q Which one?

A In the blue suit, blue tie.

MR. FISHER: Let the record reflect --

THE COURT: Yes.

Q During the fall of 1974, going on into the winter of 1975, did you have any kind of arrangement with the Defendant D'Agostino with respect to betting?

A Yes.

Q What was your arrangement?

A That I bet him.

Q How did you bet?

A Some was in person and some was over the telephone.

Q How did you get the telephone number to call?

A It was my own telephone.

Q How did you know the number to call? Was the Defendant D'Agostino on your telephone?

A Yes, he was.

Q For a period of time?

A Yes.

Q When was this?

A That fall, September or October.

Q Of 1974?

A Yes, sir.

Q And during what hours would he use your telephone?

A At right. I am not sure because I go to work at 4 or 5 o'clock in the afternoon. He was there during the day, usually at 12, 1 o'clock.

Q And did he ever tell you what he was using the telephone for?

A Well, I found out what it was, yes.

Q How did you find out?

A I overheard the --

MR. S. ANAHAN: Objection to how he found out.

THE COURT: Sustained.

BY MR. FISHER:

Q Did you overhear any conversations of the Defendant D'Agostino while he was using the telephone?

A Yes.



Q What kind of conversations did you overhear?

A Betting.

MR. SHANAHAN: I object to the  
characterization again.

THE COURT: Sustained.

BY MR. FISHER:

Q What did you hear Mr. D'Agostino say?

A It was in reference to football games.

Q What exactly did you hear him say?

A Point spreads.

Q Could you --

THE COURT: What did you hear him say?  
Strike out the answer.

Can you tell us what you heard him say?

THE WITNESS: I heard him -- excuse me.

BY MR. FISHER:

Q What words, what did he say?

A Like a particular team, so many points, and like that.  
I didn't hear him that often. Usually I was sleeping at  
this time.

Q Was he reading from any kind of list?

A Yes.

Q Now, did people call in to your telephone for Mr. D'Agostino?

A Yes.

Q Did you hear him say anything when people called in?

A A few times I did, yes.

Q Did you hear --

A I didn't hear what they said, no. I heard what he said.

Q Well, what else did he say besides what you just told us -- withdrawn.

Did he have papers or records or things around him that he was writing on?

A Yes.

Q Now, did you know some of the bettors that were dealing with the Defendant D'Agostino?

A Some were my friends, yes.

Q And did you give any of these bettors your telephone number?

A Yes.

Q For what purpose?

A To place a bet.

Q With who?

A With Joe.

Q And did you ever give any of these bettors any line information?

A If someone asked me, you know, I, myself, that such and such a game was such and such a point spread, you know, nothing regular.

Q To your knowledge, did any of these bettors ever meet personally with Joe?



A Not that I know of. Maybe they did. I don't think they knew him.

Q You just gave them a phone number?

A Right.

Q Now, who did these bettors settle up with?

A He.

Q With what frequency did they settle up with you?

A There was no regular pattern. It would go to a certain point to where like they might owe a certain amount, and he might owe a certain amount, and something like that.

Q Now, if the bettors, for example, won money, where would you get the money to pay them off?

A From Joe.

Q And if they lost money, who would you give the money to that they paid?

A To Joe.

Q And if there was any kind of problem with these particular bettors, who would be responsible for taking care of it?

A I was.

MR. RINALDI: I object to that, your honor. He is leading.

THE COURT: Can I have the question?

(The pending question was read back by the reporter.)

THE COURT: Overruled.

Q You can answer the question.

A That I was.

MR. RINALDI: I didn't hear the answer.

MR. FISHER: I would.

Q If, for instance, one of these bettors did not pay for a losing bet, who would have to pay Mr. D'Agostino?

A I would.

MR. RINALDI: Objection.

THE COURT: Overruled.

BY MR. FISHER:

Q Then, is it correct to say that your testimony is that the bettors were insulated from Mr. D'Agostino?

MR. PAPPAS: Objection as leading, your honor.

THE COURT: Sustained.

Q Did you at one time drive a 1968 white Cadillac?

A Yes, sir.

Q Would you tell us how you came to own that Cadillac?

A Part of it was to --

MR. RINALDI: I object as leading and immaterial, unless he lays some kind of foundation.

MR. FISHER: Your Honor, I am going to connect it up.

THE COURT: Overruled.



Cook, by the Government, direct

Q How did you come to own that Cadillac?

A Part of it was to settle a gambling debt and part I paid for.

Q A gambling debt of who?

A Ross Fagan.

Q Who was he?

A A student at Syracuse University.

Q Was he one of the bettors?

A Yes.

Q Who bet with Joe?

A Yes.

Q And was he one of the people who you gave Joe's number to?

A Yes.

Q And was he one of the bettors you settled up with regularly?

A Yes.

Q How much money did Mr. Fagan owe you?

A Approximately \$400. I turned around and purchased the car for \$600. I have a receipt for it.

MR. RINALDI: Objection as being unresponsive.

THE COURT: I will let it stay.

BY MR. FISHER:

Q To your knowledge, did Mr. D'Agostino know that you were purchasing this car in settlement of a debt?

MR. SHANAHAN: Could we have that question read back?

(Pending question read back by the reporter.)

A I think he did. I am trying to think back.

BY MR. FISHER:

Q Well, referring to Exhibit 3524, page 168, would you like to read that, and does that refresh your recollection?

A Yes.

Q Did Mr. D'Agostino know?

A Yes.

Q Now, you say you purchased the car, you purchased the car from him?

A Yes.

Q And then did you eventually pay Mr. D'Agostino for the money that was owed?

A Yes.

MR. FISHER: No further questions.

THE COURT: You may examine.

CROSS-EXAMINATION

BY MR. SHANAHAN:

Q Mr. Cook, you tell us that your home address is Camillus?

A Yes, sir.

Q And what is your occupation?

A I am a manager of a restaurant, Cosmo's Pizza.



Cook, by the Government, cross

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Q And was that your -- well, are you primarily a chef, is that the type work you do?

A Yes, right, right.

Q And was that the kind of work you did back in 1974, 1975?

A Yes, sir.

Q And during this football season of 1974 and '75, were you employed somewhere at that time, over that time span?

A I was employed at that restaurant, yes.

Q At the same one that you are --

A That I am referring to, Cosmo's.

Q The name is what?

A Cosmo's Pizza.

Q Cosmo's Pizza?

A Right.

Q Where is that located?

A It is located on Marshal Street.

Q Up near Syracuse University?

A Right in the heart of it.

Q In Syracuse, correct?

A Yes.

Q Now, during this time that you are talking about, what were your hours of work?

A I approximately go in at 3:30, 4 o'clock, until anywhere's from 2 to 3 the next morning.

Q So you would work from sometime around 3 or 4 in the

afternoon until 2 or 3 the following morning?

A Yes, sir.

Q And were you managing this place or were you the chef or —

A Yes.

Q A combination of both?

A A working manager, yes.

Q A working manager. And that was throughout the period of time that you told Mr. Fisher about, would that be true?

A Yes, sir.

Q And throughout that period of time you were living at your present address on Golf Road?

A 214, yes, sir.

Q And what type of a place is that? Is that an apartment or a house?

A It is my home, it is a house.

Q One-family house?

A Yes.

Q And back at that time, did you occupy that residence alone, Mr. Cook?

A Yes.

MR. SHANAHAN: That's all.

CROSS-EXAMINATION (Cont'd)

BY MR. RINALDI:

Q Mr. Cook, how long have you known Joey D'Agostino?



A About four years now.

Q Pardon me?

A About four years, I believe.

Q And how is your relationship with him?

A Friendly.

Q Now, you made some reference, or you indicated that during this period of time, that you acquired a 1968 white Cadillac?

A Yes, sir.

Q And I think you told us that you acquired that in payment of a gambling debt?

A Partially a gambling debt, yes.

Q And I think you indicated that this was from a person names Ross Fagan?

A Right.

Q And who is he?

A A student at the university.

Q And did you pay him \$400?

A No, I paid him six.

Q Pardon me?

A I paid him six.

Q And part of that 600 was --

A No, no, no, 400 that he owed.

Q So you paid part of it yourself?

A To purchase the car, yes.

Q All right. Do you remember when you testified approximately a year ago before the grand jury?

A Yes, sir.

Q And prior to that time, how often had you seen Joey?

A Prior to that time?

Q Yes, sir.

A The time before that, I think was in August or — no, that was in June, I believe it was about two or three months, as best I can remember.

Q All right. Now, I think you stated on direct examination that you referred the phone number of certain persons you knew to Joey, is that correct? In other words, you gave them Joey's number?

A Yes.

Q How many people were there that you did this for?

A Probably three, four.

Q All right. Are you a better yourself?

A Am I a veteran?

Q A better, yourself.

A A better, yes.

MR. RINALDI: That's all I have.

THE COURT: Any other cross?

MR. WEINSTEIN: I have a very few questions, your Honor.

THE COURT: We have reached the recess time.



Because of the graduation I told you about, one of our members has to attend a graduation in Albany this evening, so we have to recess a little earlier today. We will recess now until tomorrow morning, adjourn until tomorrow morning at 10 o'clock.

Don't talk about the case, don't let anybody talk about it with you. Good night.

(Proceedings adjourned.)

JUNE 24TH, 1976

THE COURT: Good morning.

MR. RINALDI: Your Honor, I have a few questions.

(Witness Leon Cook resumed the stand.)

CROSS-EXAMINATION (Cont'd)

BY MR. RINALDI:

Q Mr. Cook, with relation to your relationship with Joey D'Agostino, you bet him yourself, did you not, on certain sporting events?

A Yes, sir.

Q And isn't it also true that your friends, the three or four friends that you mentioned to me yesterday also bet through you with Joey D'Agostino?

A Right.

Q And there also came a time, did there not, when you then gave your friends Joey's phone number and they called direct?

A Right.

MR. RINALDI: That's all. Thank you.

CROSS-EXAMINATION (Cont'd)

BY MR. WEINSTEIN:

Q Mr. Cook, in your direct testimony yesterday, you testified that you dealt with Joey D'Agostino, isn't that true?



A Yes, sir.

Q Now, I can assume from that statement that you never placed a wager with the defendant, Michael Beach?

A No.

Q During this period of time?

A No.

Q Now, you never paid Michael Beach any monies during this period of time that you testified to?

A No.

Q There came a time when there was a collection problem, I think you stated, and when there was, you talked to Joey about it?

A Yes.

Q All right. And you had no conversations with Mr. Beach concerning this collection problem?

A No, not that I remember, no.

Q And Beach never collected any money for you or -- strike that. Never collected any money from you, isn't that right?

A Never collected any from me, no.

Q Then it would probably be a correct statement that to the best of your recollection, Beach and D'Agostino had nothing to do with each other?

A As far as I know.

MR. WEINSTEIN: Thank you.

THE COURT: Any redirect?

MR. FISHER: Yes, sir.

REDIRECT EXAMINATION

BY MR. FISHER:

Q Mr. Cook, after the time that you gave your friends the number to call Mr. D'Agostino, did you continue to settle up with your friends?

A Yes.

Q And with respect to those bets which they had placed with Mr. D'Agostino?

A Excuse me?

Q With respect to those bets which they had placed with Mr. D'Agostino?

A Yes.

Q And did you continue to be responsible for those bettors in case they did not pay?

A For a certain amount of time. I think it was up until about January, maybe the latter part of December.

MR. FISHER: No further questions.

MR. SHANAHAN: No further questions.

RECROSS-EXAMINATION

BY MR. RINALDI:

Q Mr. Cook, isn't it a fact that the only reason you settled up for your friends was as an accommodation to them?

A Yes, right.



MR. RINALDI: Thank you. That's all.

MR. FISHER: Nothing further.

THE COURT: You are excused.

MR. FISHER: Your Honor, at this time we have a stipulation which has been agreed to and signed by all defense counsel which I would like to read into the record, if the Court please.

THE COURT: All right.

MR. FISHER: Ladies and gentlemen, this document is entitled "Stipulation," and it states, "The Government and each of the above-named defendants stipulate and agree to the following: Number one, Government Exhibits 1 and 2 contain the original tape recordings of conversations intercepted pursuant to court orders MP-19 and MP-21 during December 1974 and January 1975 at 315-455-7153 and 315-479-7010, and that these tapes be admitted into evidence.

"Number two, Government Exhibits 9, 10, 11, 12, 13 and 14 are composite tapes made by mechanically duplicating certain conversations from the aforesaid original tapes, and those conversations are exact and authentic duplicates of the corresponding conversations on the original tapes and that they be admitted into evidence.

"Number three, Government Exhibit 3

is a typed transcript of all conversations on the composite tapes and that the printed words on the transcript accurately correspond to the words spoken on the tapes.

"Number four, Government Exhibit No. 3, the transcript, it is agreed that in every place where the speaker is named, Ebare, D'Agostino, Beach, Grezo or Czerwinski, that those are the voices and the words, respectively, of the defendant, Samuel Ebare, the defendant, Joseph D'Agostino, the defendant, Richard Michael Beach, the defendant, Charles Grezo and the defendant, Raymond Czerwinski.

"Number five, during 1974 and 1975, it is agreed that Telephone Company records show the following: A, telephone 315-455-7153 was listed to Marilyn G. Sparks and located at 701 Boulevard Street, Mattydale, New York and that Marilyn G. Sparks was the wife of Joseph D'Agostino. B, telephone 315-479-7010 was listed to Cathy Gell and located at 218 Jasper Street, Syracuse, New York. C, that telephone 315-422-3631 was listed to Raymond Czerwinski and located at 522 Apple Street, Syracuse, New York. D, that telephone 315-446-8472 was listed to Monica Sims and located at 300 Autobon Parkway, Apartment 31B, Syracuse, New York. E, that telephone



315-451-4898 was listed to Samuel L. Ebare and located at 115 Ruby Road, Syracuse, New York. And P, that telephone 315-468-4661 was listed to Leon Cook and located at 214 Golf Road, Camillus, New York. And G, that telephone 315-252-9901 was a coin-operated public phone located at the Hunter Diner, 18 Genesee Street, Auburn, New York.

"Six, if an officer of the Nevada Telephone Company were to be called, he would testify that according to Telephone Company records, on January 5th, 1975 at 9:29 a.m., a long distance call was placed from a coin-operated telephone in Las Vegas, Nevada, number 735-9774 to Syracuse, New York, number 455-7513, the call lasted for a minute and the charge was \$1.40. The record of this toll call is Government Exhibit 5 which was made during the regular course of business of the company.

"Seven, if a number of FBI agents were called, they would testify to having made the following physical observations: On October 5th, 1974, Joseph D'Agostino was observed exiting 31 Autobon Parkway, Syracuse, New York, at 7:30 p.m. On October 6th, 1974, Joseph D'Agostino was observed entering 31 Autobon Parkway, Syracuse, New York.

On October 14th, 1974, Sam Ebare, Michael Beach, Joey D'Agostino and Frank Calley were observed sitting together in a cafeteria area of the Eastwood Sports Center on James Street, Syracuse, New York at 8:30 p.m. On October 31st, 1974, at 6:40 p.m. a red Oldsmobile convertible utilized by Joseph D'Agostino was observed at the residence of Leon Cook, 214 Gold Road, Camillus, New York. At 7:32 p.m., D'Agostino departed Golf Road and proceeded to the Eastwood Sports Center. At 8:06 p.m., Joey D'Agostino and Sam Ebare were observed seated at a table in the Eastwood Sports Center. D'Agostino and Ebare were observed together from that time, 8:06 p.m., till 10:05 p.m. On Tuesday, October 27th, 1974, Joseph D'Agostino arrived at the residence of Sam Ebare, 115 Ruby Road, Liverpool. At 12:15 p.m. D'Agostino exited and departed in his automobile at 1:40 p.m. On October 22nd, 1974, James Colocca went to the Pink Pussycat Lounge, Syracuse, New York, arriving at 10:03 p.m. At 10:25 p.m., Colocca and Joseph D'Agostino emerged from an unused rear banquet room. Thereafter, D'Agostino and Colocca joined Samuel Ebare and others at the bar for about five minutes. On October 30th, 1974, James Colocca and Sam Ebare were at the bar in the Chart Room, Oswego,



New York. An agent sitting nearby overheard them discussing how much money Colocca owed Ebare. Ebare stated at one time that he made 14 calls a week up here and that it cost him \$40 a month just on phone calls. Some of the conversation was unintelligible to the agent. A figure of \$490 was overheard, and Colocca made a statement that it was all down in black and white. On November 11th, 1974, Joseph D'Agostino departed the residence of Leon Cook, 214 Golf Road, Syracuse at 7:36 p.m. and drove to the Eastwood Sports Center. At about 8:35 p.m., Mike Beach and Sam Ebare entered the sports center. At 8:39 p.m., Ebare and D'Agostino walked to the Tavern East Bar, and during the entire walk, they continuously glanced over their shoulders. On December 2nd, 1974, a car known to be utilized by Joseph D'Agostino was observed parked at 218 Jasper Street, Syracuse, New York. Also parked in the street was the Cadillac utilized by Samuel Ebare. At 1:12 p.m., Joseph D'Agostino and Richard Michael Beach exited 218 Jasper Street. Beach was carrying a large brown paper bag which appeared to be full. They both entered D'Agostino's car and departed. At 2:20, Samuel Ebare exited 218 Jasper Street. On December 3rd, 1974, Joseph D'Agostino was observed

entering 218 Jasper Street at approximately 11:36 a.m.  
At 12:17 p.m., D'Agostino exited 218 Jasper Street.  
At 12:58 p.m., Ebare exited and departed.

On December 23rd, 1974, Sam Ebare and Mike Beach were observed entering Ebare's Cadillac in front of The Sting, 11 Lodi Street, Syracuse, New York at 2 o'clock p.m. At 2:35 p.m., Joseph D'Agostino was observed with Sam Ebare and two unidentified males at the Eastwood Sports Center. At 3:47 p.m., D'Agostino met Leon Cook at Howard Johnson's restaurant in Syracuse. On December 24th, 1974, Sam Ebare and Joseph D'Agostino met behind Frank's Pizza, 106 North Avenue, Eastwood, New York. D'Agostino got into Ebare's Cadillac and they departed together. On December 31st, 1974, Joseph D'Agostino drove to 322 Apple Street, Syracuse, at 2:12 p.m. He entered the house carrying a piece of paper and departed two minutes later. 322 Apple Street is the residence of Raymond Czerwinski. At 3:30 p.m., Sam Ebare and Mike Beach drove together in Ebare's Cadillac from The Sting to 218 Jasper Street. On January 1st, 1975,



Joseph D'Agostino and Leon Cook exited Building 14, Ivy Ridge Apartments and drove off together in Cook's car. On January 2nd, 1975, Joseph D'Agostino and Sam Ebare met at the Toddle House, 940 James Street, Syracuse, New York at 1:04 p.m. They drove together in Ebare's Cadillac to the Jamescrest Apartments 1072 James Street, and entered Building C. At 1:59 p.m., they drove away. On January 4th, 1975 at 4:59 p.m., Joseph D'Agostino walked to the southeast corner of the luncheonette section of the Sportsarama, 2299 Brewerton Road, Syracuse. He disappeared from the agent's view and at 5:04 p.m. he exited the Sportsarama. Immediately thereafter, the agent entered Sportsarama and luncheonette and observed in the extreme southeast corner a public phone booth, number 454-9907. On January 5th, 1975, Sam Ebare and Mike Beach exited the Eastwood Sports Center and drove away together in Ebare's Cadillac. On January 6th, 1975, at 2:35 p.m., Joseph D'Agostino, Samuel Ebare and Mike Beach exited the Eastwood Sports Center. Ebare and Beach drove in Ebare's Cadillac to the Jamescrest Apartments. They entered Building C and stayed until 3:58 p.m. On January 7th, 1975, Joseph D'Agostino, Mike Beach, Sam Ebare and Charles Grezo met in the afternoon at

the Ponderosa Steakhouse, Liverpool, New York.

"Number eight, if an agent of the FBI were called, he would testify that Government Exhibit 16 is an accurate duplicate tape of the telephone calls of January 4th and 5th, 1975, which correspond to pages 120, 121 and 122 of the transcript.

"Number nine, if an agent of the FBI were called, he would testify that on January 20th, 1976, during the execution of a Federal search warrant, a total of \$1,359.56 in cash, which is now Government's Exhibit 7 and 8, was found upon the person of the defendant, Samuel Abare.

"The aforesaid stipulation is hereby agreed upon by all parties, and it is signed by each of the attorneys for the Government and the defense."

I offer that in evidence, your Honor.

MR. SHANAHAN: Your Honor, the only problem that we have here is the last page, and I don't think it would affect, immediately, the testimony that is about to be offered. What had been submitted to me were three pages, and now the stipulation is four.

MR. FISHER: Your Honor, I'm sorry.



MR. SHANAHAN: I don't want to delay things here.

MR. FISHER: Your Honor, that was all together just as I submitted it to him.

MR. SHANAHAN: I only got three.

THE COURT: Of course, I would think that on the interpretation by the United States Attorney that you all signed the stipulation, you would know and object before I let him read it. You all had copies of it in your possession, I assume.

MR. SHANAHAN: I didn't, that's just the point, your Honor.

I didn't have that fourth page and I would just like the opportunity to check on it. I don't know that there is any problem with it.

THE COURT: All right. It just shouldn't happen.

What do you want to do, strike part of it or what?

MR. SHANAHAN: I would like to check it against the information that is contained in it.

THE COURT: All right. It has already been read to the jury.

MR. SHANAHAN: I realize that is so. I had three pages and I followed the three pages,

but when we got to the fourth, that was the problem.

THE COURT: I understand your problem.

MR. SHANAHAN: I don't want to delay the proceedings. We can perhaps do this as we go along.

THE COURT: All right, sure.

MR. FISHER: Your Honor, we will move into evidence, Government's Exhibits 1, 2, 3, 15 and 16 which are not covered by Mr. Shanahan's problem right now, so we can begin playing the tapes.

THE COURT: Would you pay attention to what he is offering so that I know whether any of you have an objection at the time of the offer?

MR. FISHER: The Government moves into evidence, Exhibit 1 and 2, which are the tapes, 3, which is a transcript, and Exhibits 9 through 14 which are the composite tapes.

THE COURT: Any objection?

MR. SHANAHAN: No objection.

MR. PAPPAS: No objection.

THE COURT: Proceed.

MR. FISHER: We are ready to play the tapes now.

THE COURT: All right.

MR. FISHER: Your Honor, may I hand a



copy of the transcript out to the jurors?

THE COURT: Yes.

Just a moment. Now, are these redacted to correspond to the composite tape?

MR. FISHER: Yes, sir.

THE COURT: Have you seen the transcript?

MR. FISHER: I have showed it to Mr. Shanahan.

THE COURT: Any objection to the transcript?

MR. PAPPAS: I have no objection, for the Defendant Czerwinski.

THE COURT: All right.

MR. FISHER: Ladies and gentlemen, there is a switch on the side of your headsets. You turn this on and you adjust the volume. The first tape starts at page 1 of the transcript.

(Tape played, starting on page 1 of transcript through page 59.)

MR. FISHER: We are going to skip to another section at this time, if the Court please.

THE COURT: All right.

MR. FISHER: At the end of the transcript, there is a section starting with the numbering of page 1 again. It is at the very end.

We are going to start with that page 1 again, the end of the section.

(Tape played from page 1 at end of transcript to page 26 at end of transcript.)

THE COURT: Is that it?

MR. FISHER: No, we have some more, your Honor.

THE COURT: We will take a short recess.

(After recess, the proceedings continued as follows:)

MR. FISHER: Your Honor, I can take care of the stipulation now.

THE COURT: All right, proceed.

MR. FISHER: If the Court please, with respect to Exhibit 18, which is the stipulation I read this morning, I discussed this with Mr. Shanahan, and he has no changes that he wishes to make.

MR. SHANAHAN: No objection, your Honor.

MR. FISHER: So at this time I would move for the admission of the money which is Exhibit 7 and 8, and the total record which is Exhibit 15, and the stipulation itself which is Exhibit 18, into evidence.

MR. SHANAHAN: No objection.

MR. PAPAS: No objection.

THE COURT: Received.



MR. FISHER: Thank you.

Now we would like to start on page 120.

(Tape played from page 120 through 124.)

MR. FISHER: Now, page 107.

(Tape played from page 107 through 111.)

MR. WEINSTEIN: Your Honor, the last conversations were repeats of two earlier conversations.

THE COURT: I'm sorry?

(Air conditioners turned off.)

MR. WEINSTEIN: Your Honor, the last three conversations were conversations that were played earlier at different pages, and I would object to their being played again.

THE COURT: What?

MR. WEINSTEIN: They are repeats of conversations played earlier, and I would object to them as cumulative, being played again.

THE COURT: Are they cumulative?

MR. FISHER: Your Honor, we accidentally played one call twice, because --

MR. WEINSTEIN: Two calls.

MR. FISHER: Two calls twice, but now we are on the fifth. We are going to be with the Defendant Beach.

THE COURT: I don't know what we can

do about it. They have been played.

MR. RYDELEK: Your Honor, I have the same objection. I think they repeated one tape.

THE COURT: What would you like me to do about it?

MR. RYDELEK: Nothing, but I want to mention it for the record.

THE COURT: What is the point, if you haven't got any purpose in what you are saying?

MR. WEINSTEIN: I just said we hope it won't happen again.

MR. FISHER: We were just playing the calls of the four.

THE COURT: See if you can do it right.

MR. FISHER: Yes, sir.

(Tape played from page 112 through page 119.)

MR. FISHER: Now to page 217.

(Tape played from page 217 through page 226.)

MR. FISHER: Now page 244.

(Tape played from page 244 through page 247.)

MR. FISHER: Page 128.

Your Honor, we are on the last set.



If we could have about five minutes, we can finish the tapes this morning.

THE COURT: All right.

(Tapes played from page 128 through page 135.)

THE COURT: All right, we will take our luncheon recess until 20 minutes of 2. Don't talk about the case, don't let anybody talk about it with you.

(Jury leaves courtroom.)

THE COURT: Will counsel stay a minute?

Are you going to rest this afternoon?

MR. FISHER: I have one more witness, the expert witness, one more witness.

THE COURT: All right.

(After a luncheon recess, the proceedings were continued as follows:)

\* \* \* \* \*

WILLIAM L. HOLMES,

having been called as a witness in behalf of the Government,  
was first duly sworn according to law and testified as follows:

DIRECT EXAMINATION

BY MR. FISHER:

Q Mr. Holmes, could you state your occupation, please.

A Special agent with the FBI.

Q How long have you been a special agent with the FBI?

A Approximately eight years.

Q And to what unit, if any, are you assigned presently?

A I am presently assigned to the gambling unit of the FBI  
laboratory, Washington, D.C.

Q Could you tell us your education, please?

A I have a bachelor's degree in economics, and I am  
currently enrolled in a master's program at George  
Washington University in forensic science.

Q And could you state for us your experience with gambling  
in the FBI?

A For approximately seven years, I was involved almost  
exclusively in investigations involving violations of  
Federal gambling statutes. As a result of these  
investigations, I participated in numerous raids on  
gambling establishments. I was also an evidence  
coordinator. This involved the recording, cataloging and  
analysis of all the evidence seized in these raids.



Q Could you tell us any specialized training you have received in the area of gambling?

A Well, under the supervision of court qualified examiners, I have examined thousands of items of gambling records and paraphernalia which has been submitted to us by all parts of the country of both local law enforcement officers and agents of the FBI.

Q And what are your present duties in the gambling unit of the FBI laboratory?

A It is to examine and analyze all evidence that is sent in to us by law enforcement agencies from all parts of the country, write a report on our analysis, what we have determined to be the findings reflected in the evidence and then go out and testify to those reports.

Q And have you in fact testified previously in state and Federal courts as an expert on bookmaking and gambling matters?

A Yes, I have.

MR. FISHER: Your Honor, at this time I would move to qualify this witness as an expert.

THE COURT: All right.

MR. FISHER: Thank you.

Q Mr. Holmes, have you had an opportunity in the course of your official duties to analyze transcripts and tapes of this case that is Government's Exhibit 1 and 2?

A Yes, I have.

Q And have you also had an opportunity to read over and analyze the composite summary of the conversations, which is Government's Exhibit 3?

A Yes, I have.

Q And could you tell us, first of all, in general terms, what do the discussions on these transcripts pertain to?

A These conversations are conversations regarding the gambling business, conducting of the gambling business.

Q Now, do the parties who are speaking, who are written on these transcripts today, identify themselves by name or do they use codes?

A Can you --

Q How do the parties identify themselves, in general?

A There are some code names and there are also number designations.

Q In your experience, is it common in gambling business to use such codes?

A Yes, it is common.

Q Now, could you tell us about any special terminology that is used in your analysis of this particular gambling business?

A Well, they have terms to denote dollar volumes such as a buck or a dollar, meaning a hundred dollars, a nickel meaning five hundred dollars and a dime meaning a thousand



Holmes, I am going to show you what has been  
defense counsel and marked as Government's  
7 and ask you if you could identify that  
for us.

n.

tell us what it is, please?

a summary of wagering activity that took place  
ry 4th, 1975.

telephone?

phone number, area code 315, 455-7153.

this summary prepared under your supervision?  
was.

ld you tell us, please, essentially what the  
represents?

resents a total wagering activity for that date  
afternoon and evening session.

d you describe for us, perhaps with an example,  
prepared items on that summary? I will have to  
to speak up, too. It is hard to hear in this  
om.

a page 105 of the transcript --

nt, sir.

versation denotes an individual by the name of  
ino accepting wagers from an account by the name

Q

A

Q

A

Q

A

Q

A

of X-12.

All right.

X-12 is placing two wagers. The first wager is on Pittsburgh for 110. \$110 is not the true wager. 110 reflects the vigorish which is included. The vigorish means the amount of money that is charged by the bookmaker of the bettor for the privilege of placing the wagers. And this particular organization, is 11 to 10, or 10 percent.

So, as a result, the bettor has to risk \$110 to win \$100.

Is the second bet similar?

The second bet is similar, and that is on Golden State for 110.

Now, when you computed the amount for purposes of preparing your summary, did you use the 110-dollar figure including the vigorish or did you just use a hundred-dollar figure?

No, I did not. We do not include the vigorish when including the total amount of the wagering activity. The total amount of this call would be \$200.

And looking on the exhibit now, that is the summary, that is how you reflected it?

Yes, I did. That is at 7:36 p.m. for the account designation of X-12 for the amount of \$200.



Q Now, could you turn to page 94 of the transcript and show us another example, please, a different kind?

Now, what kind of betting is going on in that conversation?

A This is betting activity occurring between the individual identified in the transcript as D'Agostino accepting wagers from an individual by the name of Grezo. One example is Louisville, 15-1/2, 16, buck each. This is a split line.

What that means is that Grezo is placing a wager on Louisville at 15-1/2 and also on Louisville at 16, at a buck each, or \$100 each, making that a 200-dollar wager.

Throughout this call there are several examples like that, and there is a total of \$5300 on this one call.

Q That is how you reflect it on your summary, \$5300 in that call?

A Yes, I did, at 7:01 p.m., Grezo is the name or designation, \$5300.

Q Now, for a third and final example of a different kind of bet, would you turn to page 99 in the transcript, please? What kind of activity is going on there?

A This is a call between an individual by the name of D'Agostino and the caller, Czerwinski. Czerwinski is

wagering with D'Agostino, and he says, "Give me this ticket," and he names four teams, Memphis State, Penn State, Syracuse and Florida State for \$20.

This is a four-team, 20-dollar parlay.

It means that a parlay of one of the teams in that parlay has to win for that to be a winning wager. The next sentence, he says, "Give me a dollar on each one of those teams," meaning that he wants to bet \$100 on each one of those four teams, in addition to the 20-dollar parlay. So that is a total of \$420.

Q And did you reflect it on your summary as \$420?

A At 7:08 p.m., account designation Czerwinski, \$420.

Q All right. Now, in this manner, did you prepare the chart throughout the day of January 4th?

A Yes, I did.

Q That summary there. Now, what is the total betting action for the day of January 4, as you have computed it?

A \$13,985.

MR. FISHER: Your Honor, I would introduce this summary into evidence, Exhibit 16.

I have shown it to defense counsel.

THE COURT: Received.

BY MR. FISHER:

Q Now, Mr. Holmes, have you formulated an opinion, based on your analysis of these transcripts, as to the role, if any,



of the person identified as Ebare on the transcripts?

A Yes, I have.

Q And what is that?

A The individual identified in the transcripts as Sam Ebare is an owner, or a manager of this gambling business, inasmuch as he has the authority to make policy decisions regarding the operation of the business.

He also settles disputes between bettors and writers, and he also finances the organization.

Q And could you tell us how you arrived at that conclusion?

A On page 24 at the rear of the transcript --

Q At the very end section there?

A The very end section.

Q The very end.

A This is a conversation between D'Agostino and Ebare in the center of the page, or a little bit above the center of the page. You will see that D'Agostino says, "I'm in north Syracuse," and he has -- well, excuse me. At the top of the page it says, "I got to see somebody at Ben's about 1:15."

MR. SHANAHAN: Pardon me a minute. We

can hear.

BY MR. FISHER:

Q Could you speak up, please.

A At the top of the page, D'Agostino says, "I have got to

see somebody at Ben's about 15."

Ebare says, "The kid wants to see you yet, huh, Bob?"

Then, further down, D'Agostino says, "I'm in north Syracuse."

Ebare says, "Stop by here," he says, "and I'll give you -- what's he got to have?"

D'Agostino says, "Well, he's got 612 coming." Meaning \$612.

Ebare says, "All right. Didn't you see Baldy or anybody?"

D'Agostino says, "I gave it all to you."

Ebare says, "How much is that?"

"What I gave you there?" It continues, "seven something."

"What day was that?"

"Saturday."

So in that conversation, D'Agostino is requesting money from Ebare to make a payment to a bettor who has money coming to him.

Later on, Ebare says that he will meet him and give him the money.

Q All right. Now, are there other conversations with respect to Czerwinski which were part of your opinion in this instance?



A Yes, there were.

Q You can just paraphrase it. You don't have to read them.

A Well, there are three calls in the portion of the transcript where D'Agostino and Czerwinski, also known as Baldy, are carrying on a conversation regarding a bettor by the name of Jimmy Keller, I believe is the correct name, who is behind in his payments. He has run up a gambling debt and cannot afford to pay it off.

Jimmy requests to see Sam so that he can try and make an arrangement to pay it off on installment. The discussion on these three calls are trying to decide whether or not they should let Jimmy see Sam to make this arrangement.

Q Now, have you formed an opinion as to the role of the person designated as D'Agostino in this business?

A Yes, I have.

Q And what is that opinion, please?

A The individual identified in the transcript as D'Agostino is at least a controller with responsibility of dispensing line information, bottom figures. He accepts wagers from writers and bettors. He regulates collections and payoffs to customers.

Q I notice you are reading part of that. That is from your laboratory report?

A No, that is notes that I prepared in review of this

composite transcript.

Q Now, have you formulated an opinion as to the role of the Defendant Beach in this operation?

A Yes, I have.

Q And what is that opinion?

A The individual identified in the transcript as Beach occupies the position of trust in this gambling organization inasmuch as he receives a bottom figure for an account and he also --

THE COURT: Keep your voice up, please.

We have to compete with pneumatic hammers and everything else here, and I am sure a big man like you must have more voice than that quiet little mumble.

THE WITNESS: Yes, sir.

A (Continuing) -- inasmuch as he receives a bottom figure for an account, and he also receives the amounts that are wagered on both teams in a single contest. This type of information is not normally given out unless it is to a trusted individual of the organization.

Q Now, have you formulated an opinion as to the role, if any, of the person designated as Grezo in this transcript?

A Yes, I have.

Q And what is that opinion?

A The individual identified in the transcript as Charles Grezo occupies a role of receiving line information,



placing lay-off wagers, makes line changes and also gives advice to D'Agostino on some line changes.

Q What do you mean by lay-off wagers?

A Lay-off wagers are rebetting of wagers from one bookmaker to another bookmaker.

Q So, are you saying that Grezo is a bookmaker?

A He could -- he is conceivably a bookmaker. He occupies a position as more than just a bettor.

Q Aside from the bookmaker, what else could he be?

A He could also be a writer.

Q And what is a writer?

A A writer is an individual who accepts wagers from bettors, relays them to the gambling organization in the furtherance of their business.

Q I see.

And in either of these events, whether he is a bookmaker or a writer, is he something -- would you say he is a bettor, a mere bettor?

A No, he is something more than a mere bettor.

Q Now, have you formed an opinion as to the role of the Defendant Czerwinski in these transcripts?

A Yes, I have.

Q And what is that, please?

A The individual identified in the transcript as Raymond Czerwinski or Baldy is at least a writer who receives

line information from D'Agostino, relays wagers to D'Agostino, seeks assistance from D'Agostino regarding disputes between a bettor and himself, and he also makes collections.

THE COURT: When you say writer, what do you mean?

THE WITNESS: He is an individual that accepts wagers from bettors and relays them to the organization.

THE COURT: Who makes the decision whether to accept or reject the wager?

THE WITNESS: No, he does not. He accepts the wagers and relays them to the organization. He is a writer, gets instructions from the organization as to wagering limits that he sets on the bettors as to how much they can wager per wager or per bet, and also gives them instructions as to who gets credit or who doesn't get credit. It is a policy-making decision.

BY MR. FISHER:

Q Then, is a writer like an employee or --

A Yes, a writer is an employee, something more than a mere bettor.

Q Now, have you formed an opinion as to the role of the person designated as Camerano in this transcript?

A Yes, I have.



Q And what is that opinion?

A The individual identified in the transcript as Camerano is the line source for this organization. He supplies the line in order for the organization to accept wagers.

Q Could you tell us what a line means?

A Line is the points that are added to the underdog's score or subtracted from the favorite's score, final score, to more evenly match the teams for the purpose of betting.

Q And are you familiar with what the Las Vegas line is?

A Yes, I am.

Q What is it?

A A handicapper known as Bob Martin in Las Vegas, he is nationally known, he is the foremost authority on compiling a line. He makes up the line and sends out this line to selected knowledgeable bettors. They in turn bet with Martin. From these wagers, Martin is able to determine whether or not he has to alter that line. His alternate purpose is to balance the line so that the teams are evenly matched. After this is done, he posts the line in Churchill-Downs, and from that point it is distributed throughout the country by different means.

Q Now, Mr. Holmes, are you familiar with the line of Jimmy The Greek or the tip sheets or the newspaper line?

A Yes, I am.

Q And is there any difference between that and the line you

have just described from Bob Martin?

A Yes, there are several differences.

Q What are they?

A A couple of the major ones that are Jimmy The Greek lines, that is his opinion, and he will not accept wagers on that line. A bookmaker considers a line, a betting line, only when he can make wagers against that line.

Secondly, that line is anywhere from 24 to 36 hours old. A bookmaker requires a very current line. If he didn't have a current line, he could go bankrupt or find himself in very severe economic problems.

Q Now, in the course of analyzing these transcripts, did you come to an opinion as to the importance of the line which Camerano gave in this business?

A Yes, I did.

Q What is that opinion?

A This line was necessary to this operation as reflected in the transcript on page 2 through 11 -- correction, through page 10. On all these calls, an example being on page number 2, number 76, which is an account designation calling D'Agostino for the line. He does not have it. That goes on for the next several calls.

Q And then, until what?

A On page 7, one of the writers of the organization calls D'Agostino, Baldy or Czerwinski is the caller, and makes a



statement that 15 guys phoned me up for the first game. He says, "I need the line." It shows the dependency of the writer on getting the line before he can accept any wagers, his customers.

Q And these calls go on until what happens?

A Until the line comes in at 12:28 p.m. on January 4th, 1975 by --

Q Page 11 of the transcript?

A Page 11, by Camerano calling D'Agostino.

Q Did I ask you, what does the word juice mean?

A Juice and vigorish are one in the same.

MR. FISHER: No further questions, your Honor -- I'm sorry, your Honor, I have a couple more questions.

May I continue?

THE COURT: Yes.

BY MR. FISHER:

Q Mr. Holmes, in the FBI laboratory, did you discover whether or not there are any other persons on these tapes who are writers or bookmakers, something other than they?

A Yes, I did.

Q And could you tell us who they are, or how they were designated?

A On the evidence that was submitted to us at the laboratory, it was determined that the code designations of number

76, Adella, Dennie, Lefty, BB-60, 24-VL and Devil are all writers, at least writers.

Q Now, did you also have an opportunity to analyze the total amount bet for any other days besides January 4th?

A Yes, I did.

Q Could you tell us what the result of that analysis was?

A The amount of wagering activity for December 21st, 1974, \$5,725; December 22nd, 1974, \$6,335; December 23rd, 1974, \$6,830; December 26th, 1974, \$4,756; January 2nd, 1975, \$600; January 3rd, 1975, \$4,205; January 5th, 1975, \$2,620; January 6th, 1975, \$3,510; January 7th, 1975, \$2,370; January 11th, 1975, \$12,155; January 12th, 1975, \$4,960; January 13th, 1975, \$1,556.

MR. FISHER: No further questions,  
your Honor.

CROSS-EXAMINATION

BY MR. SHANAHAN:

Q Now, Mr. Holmes, it is a little difficult for us to hear over there.

You are presently with the laboratory in Washington, is that what I understood?

A The gambling unit in the FBI laboratory in Washington, D.C., yes, sir.

Q And these matters that you testified about here were submitted to you when, or approximately when?



A I made my report, I believe it was on October 31st, 1975.  
It was prior to that.

Q So it would have been prior to that that you received  
the information upon which you based your report?

A Yes, sir.

Q And could you tell us when, or approximately when you  
received it?

A Material was received on October 2nd, 1975.

Q And your report was what date?

A October 31st.

Q So that you had this in your possession a matter of, oh,  
a little less than 30 days, would that be so?

A That's correct.

Q And was this a report that you compiled entirely as a  
result of your own analysis or did other people work with  
you on this, or what?

A The report was my own, although I had some aides helping  
me in my analysis of the material.

Q I see. And let me ask you, was your report and the  
testimony that you gave here today based entirely upon  
the transcripts, then, of the taped telephone conversa-  
tions?

A The testimony I just gave was based almost entirely on  
the composite transcript, except for the amounts of money  
that were wagered on different dates.

Q So that your conclusions that you have testified to here today were based upon the composite transcript?

A Other than the amounts of money, yes.

Q And when you say other than the amounts of money, I don't quite follow you.

A Those were the amounts of money that I computed and were reflected in my report of October 31st, 1975.

Q Oh, I see. Those figures that you last testified to in answer to Mr. Fisher; is that what you are referring to?

A That's correct.

Q I see. So then would it be correct that for the purpose of computing those figures, that you analyzed additional tapes to those that appear in the composite?

A Yes, it is conceivable.

Q And the total period of time that you covered by those figures that you gave Mr. Fisher last was between December 21st of 1975 and January 13 -- excuse me. December 21st, 1974 and January 13, 1975, would that be correct?

A That's correct.

Q So that was a period of a little less than 30 days, correct?

A Yes, sir.

Q And except for the computation of the amounts that were involved in those figures that you gave us between



December 21st and January 13th, all of the balance of your findings resulted from your review of the part of the tape, would that be so?

A Yes, sir.

Q And I take it then that you did not in any manner base any of the opinions that you have expressed here upon any exhibits, other than that composite transcript, would that be true?

A That's correct.

Q All right. Now, when you speak to us about the wagering activity which is represented by those various amounts of money that you gave, would you just tell us what you mean by wagering activity?

A Those are the amounts of wagers that were placed by the callers in each particular conversation.

Q And what you have undertaken to do was to figure out what the total amount was that was bet on a given day?

A Yes.

Q Let me ask you: did you have information available as to the results of the various athletic or other contests that were the subject of the betting?

A Yes, I did.

Q And did you compute what the total amount of winners were?

A No, sir, I didn't.

Q On any of those days?

A I did not.

Q And this total summary of wagering activities is the total amount bet, regardless of whether those bets were won or lost?

A That's correct.

Q Would that be true? And you say you have never computed how much the bettors won on a given day?

A No, sir, we did not do that type of analysis.

Q Well, that would be, apparently, something within your power, would it not, to compute?

A Yes, it probably would be.

Q That is, having the information as to the bets, the amounts of money that were bet, the particular teams upon which the money was bet, together with the results of the various contests would enable you to very readily compute how much money was won by the bettors, wouldn't that be true?

A It would not be a true picture as to what the net profit would be.

Q I am not speaking of whether it would be a true picture of that profit. I am asking you if it wouldn't enable you to compute the amount of winners.

A Yes, that's right.

Q And likewise, you could compute how much, if any, the bettors lost?



A Yes, sir.

Q But those figures you have not computed?

A That's correct.

Q All right. Now, with reference to a line, you told us something about what you said was a line from Las Vegas to an individual by the name of Bob Martin. Did I get that name right?

A That's correct.

Q That is a line that he compiles, would that be so?

A He is a well-known handicapper, nationally known handicapper who is instrumental in compiling that line, yes.

Q And is that the only line that is available in Las Vegas?

A I would think there are others, yes, but they are modifications of Martin's line, usually.

Q Well, when you say you would think that there are others, do you know, Mr. Holmes, as to whether there are or whether there were in fact other lines from Las Vegas or available in Las Vegas in 1974 and '75?

A No, sir, I do not.

Q You don't have any information at all as to whether there were such lines?

A No, I don't.

Q Have you ever heard of any line compiled in Las Vegas other than this Bob Martin line?

A Yes, sir, I believe there are some.



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HON. A. DANIEL FUSARO, CLERK  
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Re: United States of America v. Charles P. Grezo, et al.

~~Interlocutory~~ APPENDIX FOR APPELLEE, United States of America  
(Vol. II - Page A361 to A742)

Dear Sir:

Enclosed please find copies of the above entitled for filing as follows:

[ 10 ] ~~Records~~ Appendix

[ 10 ] Briefs

~~[XXX] Original Record enclosed~~

~~[XXX] Original Record to come under separate cover~~

Very truly yours

*Everett J. Rea*  
Everett J. Rea

cc: Paul V. French, Esq.  
Jeffrey C. Fisher, Esq.